

Fairfax Town Council Minutes
Regular Meeting
Wednesday, **December 4, 2019**
Fairfax Women's Club

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
Stephanie Hellman (incoming)
Peter Lacques (outgoing)
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

Approval of Agenda and Affidavit of Posting

Mayor Coler asked for the following changes to the agenda: 1) Item #5 be continued to January 15th, 2020; 2) Item #19 be heard after the break and before the presentation.

M/S, Lacques/Goddard, Motion to approve the agenda, as amended by Mayor Coler, and the affidavit of posting.

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

Announcements

Mayor Coler made the announcements as they appeared on the agenda.

Open Time

Ms. Miriam Weinstein had a question about the new State law for rent control. She would like local laws to be in accord with the State's stronger law.

Ms. Valerie Hood noted that the agenda was lengthy and too many items were on the Consent Calendar.

Ms. Debra Benson, Cascade Drive, referred to Item 10 (Town financial statements) and asked if the expense for gopher bait included poison. She had a question about the October payment to Coastland Engineering in the amount of \$30,000 for Victory Village.

Ms. Lisel Blash, Pacheco Avenue, asked for less toxic dialogue and more kindness. She is a member of the Affordable Housing Committee and suggested they meet more often.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. The next meeting will be held tomorrow and will focus on the California Master Plan on Aging. She reported on Age-Friendly Fairfax activities.

Mr. Sierra Salin stated it was important to make new friends. He recommended that everyone chill out during the holidays.

Mr. Michael Bauernfeind, Hickory Road, read a letter thanking the Council and staff for repairing the hazardous conditions on Hickory Road.

Devon, Cascade Drive, reported on upcoming CERT training classes.

Mr. Steven Tejero stated there is a desire for the creation of a skate park in Fairfax.

Consent Calendar

1. Approve minutes for the November 6, 2019 Town Council meeting- Deputy Town Clerk
2. Receive written report on Councilmembers' assignments, committees, and activities in November- Deputy Town Clerk
3. Endorse San Jose Mayor Sam Liccardo's proposal to restructure PG&E from an Investor-led Company to a Customer-Owned Utility- Town Manager
4. Approval of amended and restated employment agreement with the Town Manager- Mayor Coler

Mayor Coler stated there was a supplement to item #3. There was a typographical error in Item #4, and she reported on the compensation proposed.

Mr. Alexander Binick, Meadow Way, asked that item #4 be removed for discussion.

Mr. Frank Egger, Meadow Way, stated the agenda is loaded with Consent Calendar items and this dissuades the public from commenting. The agenda is supposed to list what is being approved and how much it will cost.

Mr. Mark Bell referred to item #4 and stated he opposed the increase.

M/S, Goddard/Reed, Motion to approve the Consent Calendar with the removal of item #4 for discussion.

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

Public Hearing

5. Adopt a resolution establishing maximum rates collected by Marin Sanitary Service for Solid Waste Services, to be effective January 1, 2020, and approving a Second Amendment to the Contract Between the Town of Fairfax and Marin Sanitary Service- Town Manager

Mayor Coler noted this item was continued to January 15, 2020.

Regular Agenda

6. Adopt a resolution reciting the facts of the General Election held on November 5, 2019, declaring the result and such other matters as provided by law- Deputy Town Clerk

Deputy Town Clerk Politzer presented the staff report.

Mayor Coler opened the meeting to public comments, and seeing none, closed the meeting to public comments.

M/S, Lacques/Ackerman, Motion to adopt a resolution reciting the fact of the General Election held on November 5, 2019, declaring the result and such other matters as provided by law.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

7. Proclamation in Honor of Councilmember Peter Lacques- Mayor Coler

Mayor Coler read the Proclamation honoring Councilmember Peter Lacques. Councilmember Lacques stated it was a pleasure serving the Town of Fairfax.

Councilmember Lacques expressed his gratitude and stated it was a privilege to have served on the Council for the Town of Fairfax.

Mayor Coler opened the meeting to public comments.

Mr. Alexander Binick, Dr. Jody Timms, Wendy, and Mr. Frank Egger thanked Councilmember Lacques for his service.

Mr. Mark Bell, Dominga Ave., requested to be reimbursed for Town expenditures regarding outgoing councilmember gifts.

Mayor Coler closed the meeting to public comments.

Mayor Coler also thanked Deputy Town Clerk Politzer for her exemplary work during the last several months and wished her well in her future endeavors.

8. Administer Oath of Office to newly elected officials- Deputy Town Clerk

Deputy Town Clerk Politzer administered the Oath of Office to the newly elected Town officials: Councilmember Renee Goddard, Councilmember Stephanie Hellman, Town Treasurer Janet Garvin, and Town Clerk Michele Gardner.

Outgoing Councilmember Lacques turned over his seat at the dais to incoming Councilmember Hellman.

9. Reorganization of the Town Council: Selection of Mayor and Vice Mayor- Deputy Town Clerk

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. Rick Hamer, Fairfax, asked for an open nomination for Mayor.

Ms. Mimi Newton thanked Mayor Coler for her leadership as Mayor and presented her with a bouquet of purple roses.

Mr. Sierra Salin stated it takes patience to be Mayor.

Mayor Coler closed the meeting to public comments.

M/S, Reed/Ackerman, Motion to select Councilmember Goddard as Mayor.
AYES: Ackerman, Goddard, Hellman, Reed, Mayor Coler

M/S, Reed/Goddard, Motion to select Councilmember Ackerman as Vice Mayor.
AYES: Ackerman, Goddard, Hellman, Reed, Mayor Coler

Break

The Council took a 15-minute break at 8:10 p.m. for refreshments.

Regular Agenda

19. Discuss/consider revisions to the Cascade Striping project- Town Manager

Town Manager Toy presented the staff report.

Mr. David Parisi, traffic engineer with Parisi Transportation, discussed the traffic calming measures taken on Cascade Drive. Mr. Andrew Lee, traffic engineer, discussed the existing conditions and the goal of the project. They answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Mr. Steven Ladone, Cascade Drive, stated the most dangerous sections while riding a bike are the lower part of Cascade and the section between Doc Egger Park and Town Hall. He is pleased that the middle lane is gone in the curved section.

Ms. Sylvia Moody stated she rides her bike to school, and she did not feel safe until the strips were put in.

Ruby stated she is in the 5th grade and she feels safer riding her bike to school with the striping.

Mr. Matthew Gable, Cascade Drive, stated he bikes along the street and never had a problem with the pre-existing lines. He is not a fan of the changes. The people that are affected should be consulted.

Mr. John Montenaro, Cascade Drive, stated some of the white lines were good for people walking and biking. In some sections of the road the lines are problematic because it pushes the cars towards the walls that are located along the edge of the street.

Mr. Alexander Binick, speaking on behalf of the Detox Institute, stated the staff report contains errors in terms of some of the measurements. He discussed the unrealistic expectations on the part of drivers, bicyclists, and pedestrians. He questioned the need for hiring a traffic engineer.

Ms. Lamorna Swigart, Cascade Drive, stated she supports the work that has been done and feels it provides safer conditions for pedestrians, cyclists, and drivers. A major problem is speeding.

Mr. Frank Egger, representing Save Fairfax, stated the reduction in lanes (from two to one) from 155 Cascade to Meadow Way has put hundreds of lives in danger in the event of an evacuation. The speed should be reducing to 15 mph and stop signs should be enforced.

Ms. Lori Forken, Cascade Drive, stated the process should have included the public. The new striping has not made the road any safer to walk, bike, or drive. Cars are pushed to the middle of the road on blind curves.

Mr. Matt Towers, Meadow Way, challenged the idea that there is speeding along that road. He asked what need the project is trying to address. The project has created a hazard.

Mr. Larry Davidson, Meadow Way, stated he has never heard about any problems on Cascade Drive. The project creates a problem and the striping give people a false sense of security and entitlement. Residents should have been consulted.

Mr. Jim Irving, Cascade Drive, stated he sees the strips as an inconvenience- they make him drive slower, more cautiously, pay attention to what he is doing, and give the right of way to pedestrians. It does everything it was designed to do.

Ms. Valerie Hood, Fairfax, was concerned that the project made the evacuation route worse. She asked if all large vehicles such as UPS and garbage trucks were factored into the design. The project made a bad situation much worse.

Mr. Steve White, Cascade Drive, stated the process was done incorrectly. The curves are dangerous and there is no room to go around the blind corner without crossing the white line. It is confusing and should be put back the way it was.

Mr. Rob Sandusky, Toyon Road, agreed with a lot of what has been said. He would like to hear more about the "Joe Breeze Plan". He has witnessed near head-on collisions in the last couple of weeks.

Ms. Jane Richardson-Mack, Madrone Road, stated the plan makes her feel uncomfortable, unsafe, and confused. This is not a normal Town, and these are not normal roads- they should have gotten input from the residents.

Mr. Jono Polansky, Cascade Drive, stated a lot of the resident's speed around that blind curve. The striping has worked and slowed traffic down. He supports the project.

Mr. Sierra Salin stated this is a weird street and there is not enough room. The process was flawed- there should have been meetings and notification.

Ms. Mallory Geithem, Willow Avenue, stated local residents should have been consulted. There are a lot of talented people who live in Fairfax- they do not need to hire consultants.

Ms. Debrorah Benson, Cascade Drive, stated there is so much wrong with this project. She had a question about the cost of the project and if street parking would be removed. Striping needs to be restored as it was.

Mr. Chris Kenton, Cascade Drive, stated he started looking into "traffic calming" methods back in 2001 and got about 100 signatures on a petition to get speed bumps put on Cascade Drive. He supported the project.

Wendy, Cascade/Canyon neighborhood resident, stated the way people drive along Cascade Drive has changed a lot- they drive faster and do not stop at stop signs. The entire area should be studied.

Dr. Jody Timms, Cascade Drive, supports the changes and thinks it is much safer. Speed is a problem up and down Cascade Drive.

Mr. John Romaidis, Madrone Road, referred to the flat part of the road up to the windy part and stated the white lines should be replaced with a broken yellow line. The speed limit should be lowered to 15 mph.

Devon, Cascade Drive, asked if the goal of the project was to slow down traffic. She displayed photographs and stated the community uses the white spaces (barriers) as a parking lot. She is not sure if the lines are making the conditions safer and recommended more signage and mirrors.

Mr. Mark Bell stated there is a major disconnect.

Mayor Goddard closed the meeting to public comments.

Mr. Parisi and Mr. Lee responded to the comments and answered questions from the Council.

Mayor Goddard stated she would like to implement a monitoring (“cooling off”) period to collect data including speed checks, etc. She suggested a three to five-member sub-committee from the neighborhood, a staff member, two Councilmembers, and a representative from Parisi Transportation. The Council agreed to this suggestion. Town Manager Toy discussed the application, interview, and appointment process for a sub-committee. Councilmember Coler suggested forming an ad-hoc committee.

Mayor Goddard noted it was past 10pm. The Council reviewed the agenda and Mayor Goddard stated she would like to continue the meeting and decide on possible continuations at 11:30 p.m.

The Council took a 10-minute break at 10:55 p.m.

Presentation

Presentation on new State housing laws- Town Attorney

Town Attorney Coleson introduced her colleague, Mr. Isaac Rosen, who is part of the new Housing Task Force recently formed by her firm. Mr. Rosen presented the staff report and gave a PowerPoint presentation that included: 1) SB 330; 2) AB101; 3) AB 1763; 4) AB 1486. Mr. Rosen answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Mr. Frank Egger, representing Save Fairfax, stated the recent State Housing Laws were being written by the building industry and carried by politicians that are “bought and paid for” by the development industry. The “one size fits all” approach does not work in Fairfax- a hilly Town with narrow roads.

Ms. Valerie Hood stated the State has redefined “urban” and “suburban” areas and Fairfax has fought to keep its suburban classification. She asked what the State means by “surplus land” and “excess open space”.

Mr. Michael Macintosh stated he recently attended the Commonwealth Club in San Francisco for a discussion about the need for affordable housing. The lecture did not include any facts or figures- it was a promotion of CASA and the plan to build 3.5 million units in the Bay Area. He asked the Council to come up with a creative solution about how to deal with surplus land.

Ms. Jane Richardson-Mack asked if the Town had any surplus land.

Mr. Mark Bell, Dominga Avenue, stated the new housing laws seem to be in violation of environmental laws. He asked if there would be any legal challenges.

Ms. Lisel Blash asked if there would be an upcoming discussion about tenant protection laws.

Mr. Rick Hamer discussed the bus routes and stated he thought that Fairfax would fall into a major bus stop group.

Mayor Goddard closed the meeting to public comments.

Mayor Goddard noted it was 11:30pm and asked about items that could be continued.

M/S, Coler/Ackerman, Motion to continue items #20, #21, and #22 to a Regular meeting to be held on Wednesday, December 18th at 7:00 p.m.

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

Consent Calendar

10. Accept Financial Statement and Disbursement Reports October 2019- Finance Director

11. Receive Treasurer's Report as of September 30, 2019- Town Treasurer

12. Reappoint Chance Cutrano to a full term on the Volunteer Board- Deputy Town Clerk

13. Authorize the Town Manager to execute an agreement with the County of Marin to make traffic signal improvements for the Sir Francis Drake/Clause and the Sir Francis Drake/Willow intersections pursuant to a grant awarded to the County- Town Manager

14. Appropriate funding from the Office Equipment Replacement Reserve (Fund 08-928) to purchase a new computers/software for Town Hall to accommodate the Windows 10 Operating system- Town Manager

15. Adopt a resolution establishing the regular Town Council meeting date for January 2020 and confirm the 2020 meeting calendar- Deputy Town Clerk

16. Approve reimbursement agreement with FIREsafe MARIN to advance funds- the Town will be reimbursed by a CAL FIRE Grant- for FIREsafe MARIN's work to reduce roadside vegetation and improve evacuation routes in Cascade Canyon, Manor Hill, Deer Park, and Forrest Avenue- Town Manager

17. Second reading and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 6.86 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

18. Receive update that the EIR professional services agreement for the Marinda Heights Project will be rescheduled for a future meeting to be determined- Planning Director

Councilmember Coler had a comment about item #16.

Councilmember Hellman referred to item #18 and stated the project would not proceed without an EIR.

Mr. Frank Egger, speaking for Save Fairfax, referred to item #18 and stated if the developer changes the application then it is a new application and they need to start over.

Ms. Valerie Hood referred to #13 and #14 and asked for the expenditure figures and had a question about item #17.

M/S, Coler/Ackerman, Motion to approve the Consent Calendar.

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

Regular Agenda

20. Authorize the Town Manager to retain a contractor to build the replacement bus shelter located in the Parkade- Town Manager

Mayor Goddard stated this item was continued to the December 18th meeting.

21. Introduce and adopt an Urgency Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.048 of the Fairfax Town Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA- Planning Director

Mayor Goddard stated this item was continued to the December 18th meeting.

Public Hearings

22. Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.048 of the Fairfax Town Code Relating to Accessory Dwelling Units And Junior Accessory Dwelling Units and determining the ordinance to be exempt from CEQA- Planning Director

Mayor Goddard stated this item was continued to the December 18th meeting.

23. Second reading and adoption of 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 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, and 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 Inspector Lockaby presented the staff report. He answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Walt Vernon, representing the Climate Action Committee (CAC), stated the Town achieved a 20% reduction in its greenhouse gas emissions over the last decade. The upcoming goal is a 40% reduction by 2030.

Ms. Valerie Hood stated she did not understand how they are making these considerations about the energy being used in Town, as traffic has increased considerably and technology uses a lot of energy. She asked if these factors were considered.

Mayor Goddard closed the Public Hearing.

M/S, Coler/Hellman, Motion to read by title only and adopt 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 California 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, Coler, Hellman, Reed, Mayor Goddard

24. Second reading and adoption of 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 pursuant to CEQA Guidelines Sections 15061(b)(3) and Public Resources Code Section 21080(b)(4)- Fire Marshal, Fire Inspector

The Fire Marshal presented the staff report.

Mayor Goddard opened the Public Hearing.

There were no comments.

Mayor Goddard closed the Public Hearing.

M/S, Coler/Reed, Motion to read by title only and adopt an Ordinance entitled, "A 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, Coler, Hellman, Reed, Mayor Goddard

4. Approval of amended and restated employment agreement with the Town Manager

Councilmember Coler presented a report.

Mayor Goddard opened the meeting to public comments.

There were no comments.

Mayor Goddard closed the meeting to public comments.

M/S, Reed/Ackerman, Motion to approve the amended and restated employment agreement with the Town Manager.
AYES: Ackerman, Coler, Reed, Mayor Goddard
ABSTAIN: Hellman

Council Reports and Comments

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

Town Manager's Report

There was no report.

M/S, Reed/Coler, Motion to adjourn the meeting at 12:15 a.m. to a Special Meeting set for Wednesday, December 18th and in memory of longtime Fairfax resident Mr. Everett Lloyd Stiller.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Respectfully submitted,

Toni DeFrancis
Recording Secretary