

Fairfax Town Council Minutes  
Regular and Special Meeting on  
Wednesday, **February 5, 2020**

The Special meeting was preceded by a Closed Session from 5:40 p.m. to 6:40 p.m.

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

Mayor Goddard called the **Special Meeting** to order at 6:40 p.m.  
Roll Call: All Councilmembers and the Town Clerk were present.

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

The Council interviewed Mr. Jonathan Sicroff.

Chance Cutrano, representing the Open Space Committee, supported Mr. Sicroff's appointment.

M/S, Coler/Reed, Motion to appoint Jonathan Sicroff to the Open Space Committee.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

The special meeting was adjourned at 6:52 p.m.

Mayor Goddard called the **Regular Meeting** to order at 7:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman, Vice Mayor  
Barbara Coler  
Renee Goddard, Mayor  
Stephanie Hellman  
John Reed

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Michael Vivrette, Finance Director  
Ben Berto, Planning Director

Announcement of Closed Session Action

Mayor Goddard announced that the Council gave direction to the negotiator to work with the Police Officers Association labor union.

Approval of Meeting Agenda and Affidavit of Posting

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

Mayor Goddard dedicated the meeting to the memory of Shayne Rebbetoy.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember

Hellman announced the following teen programs: Dodge Ball Event this Saturday, February 8 from 7:00 p.m. to 9:00 p.m. at the Pavilion; an Open Mic Night at the Women's Club on Saturday, February 29 from 6:30 p.m. to 9:00 p.m.; a Ping Pong Tournament at the Pavilion on Saturday, March 21 from 6:30 p.m. to 9:00 p.m.; Battle of the Bands at the Pavilion on Saturday, April 18. She reported that Drake High School is holding a grief/loss support community event on Thursday, February 13 at 6:30 p.m.

### Open Time

Mr. Richard Applebaum, Woodland Road, suggested that the Council meet twice a month so meetings would not run so late.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave an update on Commission events. Tomorrow's meeting is on falling strategies- reducing falls, preventing injuries, and landing safely. The Age-Friendly Fairfax Forum will be held next Friday at 1:00 p.m. She introduced Mr. Woody Weingarten and Ms. Wendy Nestle, two fellow Commissioners from District 2.

Mr. Chance Cutrano, Open Space Committee member, stated it came to the attention of the Committee that the owner of 200 Toyon Road had allegedly destroyed or endangered Napa False Indigo plants. Town staff stated they were working with the Department of Fish and Wildlife, Marin County Open Space, and the Marin Municipal Water District on a reparation process. The Open Space Committee wishes to be kept informed.

### Presentation

#### Fairfax Volunteer Board Annual Report

Mr. George ("Geo") Taylor, Chair of the Volunteer Board, presented the Annual Report and discussed the expanded mission of the Board. He answered questions from the Council and the public.

### Consent Calendar

1. Accept Financial Statement and Disbursement Reports December 2019
2. Receive Treasurer's Report as of December 31, 2019
3. Approve minutes for the January 15, 2020 Town Council meeting
4. Receive written report on Councilmember's assignments, committees, and activities in January
5. Authorize Mayor Goddard to send a letter in support of SB 431 regarding Cell Tower Reliability During Power Outages
6. Receive annual report from Sustainable Fairfax regarding its recycling, green waste, and public education/outreach services to implement the mandates of the Town's Zero Waste grant
7. Approve Agricultural Community Event Farmers Market right of entry agreement to continue to operate a Farmers' Market in Bolinas Park in 2020 and 2021
8. Adopt a Resolution Authorizing the Town Manager to Collaborate with Marin County and Other Local Jurisdictions in Applying for Building Jobs and Homes Act Planning Grant

(SB 2) Program Grant Funding to Develop Objective Development Standards, Facilitate Accessory Dwelling Unit (ADU) Projects, and Develop Inclusionary Housing Requirements

9. Adopt a Resolution in Support of Measure C- Marin Wildfire Prevention Authority

Councilmember Coler referred to item #4 and added that she attended the Marin County Council of Mayors and Councilmembers (MCCMC) meeting. She referred to Item #6 and discussed expanding Zero Waste Events.

Mayor Goddard referred to item #7, page 6 of the agreement, and confirmed the Council wished to retain the 3<sup>rd</sup> bullet point (Plastic Bag Reduction Ordinance).

Mr. Mark Bell, Dominga Avenue, referred to item #7 and stated the music at the Farmers Market should be low volume with minimal amplification.

Mr. Chris Lang, Canyon Road, stated he supported live music and the use of amplifiers.

Mr. Richard Applebaum stated the Farmers Market was a wonderful event with minimal amplification from musicians but acknowledged Mr. Bell's concerns.

M/S, Coler/Ackerman, Motion to approve the Consent Calendar with Councilmember Coler's addition to item #4 and with the exception of item #6 that will be taken up separately.

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

Mayor Goddard recused herself from Item #6 and left the chambers at 7:47pm.

M/S, Reed/Coler, Motion to approve Consent Calendar item #6.

AYES: Ackerman, Coler, Hellman, Reed

RECUSED: Mayor Goddard

Mayor Goddard returned to the dais.

Public Hearing

10. This item has been continued to the March 4, 2020 Town Council Meeting- 80 Crest Road: Appeal of a Planning Commission denial of a Height Variance for an unpermitted Ground Floor Level that would result in the height of the residential structure being approximately 50 Feet; Assessor's Parcel No. 002-151-32; Residential Single-family RS-6 Zone; Verle and Marlene Sorgen, appellants/owners' CEQA categorically exempt per Section 15301(e)(2)(1)

Mayor Goddard stated this item had been continued to the March 4, 2020 Council meeting.

Regular Agenda

11. Second reading by title only and adoption of an Ordinance incorporating the Requirement for a Hill Area Residential Development Overlay Zone Permit into the Multiple-family Residential- Senior-Residential Zone (Town Code Chapter 17.090), the Planned Development PDD District (Town Code Chapter 17.112), the Upland Residential UR-7 and UR-10 Zones (Town Code Chapter 17.124), the Single-family Residential Master Plan SF-RMP District (Town Code Chapter 17.116) and Amending the Hill Area Residential Development Overlay Zone (Town Code Chapter 17.072) Exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2), 15-61(b)(3), 15378

Town Manager Toy presented the staff report.

Mayor Goddard opened the meeting to public comments.

Mr. Frank Egger, representing Save Fairfax, was concerned that the ordinance would reverse policy to prevent access to new development through the use of a private road.

Vice Mayor Ackerman noted that the ordinance did not reverse that policy, which was in a different section of the Code.

Mayor Goddard closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to read by title only adopt an Ordinance incorporating the Requirement for a Hill Area Residential Development Overlay Zone Permit into the Multiple-family Residential- Senior-Residential Zone (Town Code Chapter 17.090), the Planned Development PDD District (Town Code Chapter 17.112), the Upland Residential UR-7 and UR-10 Zones (Town Code Chapter 17.124), the Single-family Residential Master Plan SF-RMP District (Town Code Chapter 17.116) and Amending the Hill Area Residential Development Overlay Zone (Town Code Chapter 17.072).

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

12. Introduce and read by title only an Ordinance amending Chapter 8.20 of the Fairfax Municipal Code “Noise Control” to regulate the use of back-up, emergency generators during prolonged power outages: CEQA exempt per CEQA Guidelines Section 15269(c)

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

Mayor Goddard opened the meeting to public comments.

Mr. Rick Hamer, Fairfax, requested the Council delay the adopt the introduction of this ordinance, to tailor it to better meet the residents’ needs. He stated that an inverter generator is significantly quieter (48 decibels) and would not need to be subject to the noise ordinance.

Mr. Richard Applebaum stated he opposed the ordinance, as unnecessary for the number of outages in Fairfax.

Mr. Frank Egger, Meadow Way, stated the ordinance was not clear regarding Building Permit requirements.

Mr. Mark Bell, Dominga Avenue, stated nobody in his neighborhood had a loud generator.

Mayor Goddard closed the meeting to public comments.

The Council discussed the ordinance and reached consensus to clarify that only permanent generators require a Building Permit; to add “ and other prolonged power outages...” in the whereas section; to address fire and carbon monoxide safety concerns with the Fire Department; to ask the Climate Action Committee for green alternative to gasoline-powered generators, and to do outreach on those options to merchants and the community; and to solicit community feedback particularly regarding the quiet hours.

Mayor Goddard directed staff to conduct a community survey and bring back the ordinance next month with the survey results.

13. Introduce and read by title only an Ordinance Amending Chapter 8.72 of the Fairfax Municipal Code Regulating Single-Use Foodware to clarify that the 25-cent charge applies

to all disposable cups, CEQA exempt per CEQA Guidelines Sections 15061(b)(3), 15307, and 15308

Town Manager Toy presented the staff report. He noted the ordinance was simply to remove the word “non-compostable” from the adopted ordinance, which was consistent with the Council’s intent. He answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

There were no comments.

Mayor Goddard closed the meeting to public comments.

M/S, Ackerman/Coler, Motion to Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Section 8.72.070, Disposable Cup Charge, of Chapter 8.72 Regulating Single-Use Foodware of Title 8 of the Fairfax Municipal Code.

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

### Council Reports and Comments

Mayor Goddard noted written reports were in the packet.

### Town Manager’s Report

Town Manager Toy reported PG&E was directed by the CPUC to clear trees and brush away from the high-voltage power lines. An arborist has marked trees to be trimmed with an orange tag, and the trees to be removed with a red tag. Town staff will meet with a representative of PG&E about the schedule. Information for residents has been posted on Nextdoor and on the Town website. The Council recently approved a funding agreement with FireSafe Marin for vegetation management efforts to clear evacuation routes, which will be taking place at the same time as the PG&E clearing. He reported on the installation of the new finance software. Town Manager Toy reported staff was waiting for several other contractors to bid on the Parkade bus shelter, with the plan to begin in February. The first phase of the Bolinas Road sidewalk project will begin this month along Bolinas Road, as well as areas along Broadway. Councilmember Coler asked staff to bring the Sir Francis Drake Boulevard sidewalk tree issues to the Tree Committee as soon as possible.

### Future Agenda Items

Councilmember Coler asked that the Planning Commission take a look at the issue regarding short-term rentals as soon as possible.

Mr. Frank Egger stated the Town’s Transient Occupancy Tax (TOT) applies to short-term rentals.

M/S, Coler/Reed, Motion to adjourn the meeting at 8:55 in memory of Ms. Kathy Williams and Ms. Sharon Olson.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary