

Fairfax Town Council Minutes  
**Regular Meeting**  
Fairfax Women's Club  
Wednesday, **January 15, 2020**

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  
Ben Berto, Planning Director  
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

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

Announcements

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

Open Time

Mr. Tom O'Neal, Dominga Avenue, discussed the need to support the mental health community. He works as a crossing guard and he asked drivers to stop for pedestrians in crosswalks.

Ms. Debra Benson, Cascade Drive, asked the Council and staff to refrain from using cell phones during the meeting.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report on Commission activities. She also discussed Age-Friendly Fairfax activities.

Mr. Frank Egger, Meadow Way, thanked staff for clearing a sidewalk that was formerly the old North/West Pacific Railway Station on Center Boulevard. He agreed with the comment made by Ms. Benson.

Mr. Steven Keese, Cypress Drive, asked the Town to officially support Measure C (funding for the FireWise JPA), and discussed Measure D.

Mr. Richard Applebaum, Woodland Road, stated he was excited by the FireWise committees and supported the Councilmembers connecting with them.

Mr. Mark Bell, Dominga Avenue, opposed certain Town expenditures.

Mr. Michael Mackintosh discussed Measure D and Measure C.

### Consent Calendar

1. Accept Financial Statements and Disbursement Reports November 2019- Finance Director
2. Approve minutes for the December 4, 2019 and December 18, 2019 Regular and Special Town Council meetings- Town Clerk
3. Receive update that the Marinda Heights project application is on hold pending the Council approval of an EIR professional services agreement, which has yet to be scheduled for consideration- Town Manager
4. Receive written report on Councilmember's assignments, committees, and activities in December- Town Clerk
5. Second reading and adoption of an ordinance entitled "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 and Building Services Director

Town Clerk Gardner noted a correction to the December 4, 2019 minutes. On page 7, the final sentence should read: "Councilmember Hellman referred to item #18 and stated the project would not proceed without an EIR."

Town Manager Town noted there was a supplement to item #4. He clarified item #3.

Mr. Frank Egger referred to item #3 and stated the Town's determination that the application was complete triggered the EIR process. He referred to item #5 and stated there should be an inventory of existing ADU's and JADU's. He was concerned about more short-term rentals.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the correction to the December 4, 2019 minutes and including the supplement to item #4.

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

### Public Hearing

6. 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

Town Manager Toy presented the staff report.

Mr. Garth Schultz, representing R3 Consulting Inc., gave a PowerPoint presentation.

Ms. Patti Garbarino and Ms. Kim Scheibly, representing Marin Sanitary Service (MSS), answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Richard Applebaum noted there was a large rate increase last year. He did not support charging customers for additional green waste beyond two green waste tipper carts.

Mr. Christopher Lang, Canyon Road, supported the cash figure for the Fairfax Festival services, but echoed the previous speaker's concerns with the reduction in yard waste cans and only being permitted to use tipper carts.

Ms. Susan Bierzychudek, Deer Park, stated MSS did a remarkable job, but she encouraged innovative thinking to allow for more service options to save money for those residents who are reducing, reusing, and recycling.

Ms. Cindy Swift discussed the need for vegetation removal is critical at certain times of year, and suggested MSS could tailor their service around that, perhaps work with FireWise leaders.

Ms. Mallory Geithem supported the previous speakers' comments and stated the tipper carts take up too much space and are not stackable.

Ms. Scheibly, MSS, outlined options for excess green waste: small debris boxes (15% discount for residents), numerous chipper days, and twice-yearly pickup of extra bags of green waste.

Ms. Garbarino, MSS, noted that restricting service to tipper carts was to address driver injury from manually lifting the cans.

Mr. Mark Bell opposed the resolution.

Ms. Debra Benson, Cascade Drive, was opposed to tipper carts. She supported paper bags. She stated the twice-yearly pickup would force her to clean up on MSS's schedule instead of her own.

Mr. Michael Macintosh supported the resolution and spoke favorably of MSS.

Mr. Tom McKay, Creek Road, had questions about performance language in the contract. Mr. Schultz responded.

Mayor Goddard closed the Public Hearing and asked MSS and R3 to address some of the residents' concerns.

M/S, Coler/Ackerman, Motion to 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.  
AYES: Ackerman, Coler, Reed, Mayor Goddard  
NOES: Hellman

7. Introduce and read by title only an Ordinance Incorporating the Requirement for a Hill Area Residential 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), 15061(b)(3), 15378- Planning and Building Services Director

Planning Director Berto presented the staff report. He discussed the digitalization of two maps, the *Salem-Rice Map* and the *Open Space Element General Plan Study -Suitability for Open Space Map*. He answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Frank Egger, representing Save Fairfax, stated the Council needed to see all eight WMRT maps. He opposed including the Upland Residential and PDD Zones in the ordinance. He supported the requirement that all developments be accessed by a public street.

Mr. Christopher Lang supported the intent of the Hillside Residential Permit process but found it onerous in practice.

Mr. Chance Cutrano stated the maps were helpful to the Open Space Committee. He had questions about the public road accessibility provisions in the Town Code.

Mr. Richard Applebaum supported establishing objective development standards. He would not support the ordinance if it made it easier for development.

Mr. Mark Bell supported the comments made by Mr. Egger.

Mayor Goddard closed the Public Hearing.

M/S, Reed/Ackerman, Motion to Introduce and read by title only an Ordinance Incorporating the Requirement for a Hill Area Residential 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

#### Regular Agenda

Mayor Goddard recused herself from Item 8 and left the Council Chambers at 10:50pm.

#### 8. Discuss/consider report from the Cascade working group regarding the Cascade Drive striping project- Town Manager

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

Vice Mayor Ackerman opened the meeting to public comments.

Mr. Richard Applebaum was concerned that current conditions were not safe.

Mr. Christopher Lang stated this road should be a bicycle boulevard and people should slow down. He was concerned about the cost.

Mr. Chris Kenton, Cascade Drive, supported the lower speed limits that the project provided.

Mr. Matt Querry, Cascade Drive, supported the lower speed limit and monitoring the impact of the changes.

Ms. Debra Benson, Cascade Drive, supported returning the road to its original condition. She had concerns about the safety and the costs.

Mr. Mark Bell, Dominga Avenue, supported the keeping the center line. He had concerns about the costs .

Mr. Matt Towers, Meadow Way, supported returning the road to its original condition.

Mr. Larry Davidson, Meadow Way, discussed road measurements and expressed concern with the safety of the new striping.

Mr. Frank Egger, representing Save Fairfax, supported keeping the center line and reclaiming the public-right-of-way for pedestrians.

Ms. Mallory Geithem, Willow Avenue, supported returning the road to its original condition.

Vice Mayor Ackerman closed the meeting to public comments.

Town Manager Toy stated the next community meeting was tentatively set for February 1<sup>st</sup>. Staff would post signs in the neighborhood.

Councilmember Hellman asked staff to report back to the Council about the period of measurement from the traffic engineer.

M/S, Coler/Reed, Motion to suspend the 11:30 p.m. rule.

AYES: Ackerman, Coler, Hellman, Reed

ABSENT: Mayor Goddard

Mayor Goddard returned to the dais at 11:55.

9. Consider Council board and committee assignments for 2020- Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Coler asked that the Measure J Oversight Committee be renamed the Measure J/F Oversight Committee.

Mayor Goddard stated she would like to come back with information about the Marin Healthy Youth Partnership and whether or not she could be an official appointee.

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum stated it was important for people to rotate assignments.

Mayor Goddard closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to change the name of the Measure J Oversight Committee to the Measure J/F Oversight Committee and to make new appointments as follows:

Councilmember Hellman will serve on the Climate Action Committee, the MCCMC Sea Level Rise/Climate Change Committee, the Measure J/F Oversight Committee, the Zero Waste Committee, the Ross Valley School District liaison, and serve as the alternate on ABAG, the Marin Telecommunications Agency, and the Ross Valley Fire Board;

Councilmember Ackerman will serve on the MCCMC Joint Services Authority Oversight Committee and as the alternate on Marin Clean Energy;

Councilmember Reed will serve as the alternate on the Flood Zone 9 Advisory Board;

Mayor Goddard will serve on the Affordable Housing Committee, the Ross Valley Fire Board, and as the RVPA alternate;

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

### Future Agenda Items

Councilmember Coler asked staff to place on an upcoming Planning Commission agenda a discussion about a Short-Term Rental Ordinance

### Council Reports and Comments

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

### Town Manager's Report

Town Manager Toy discussed the need to replace the Meadow Way Bridge and how it would be funded.

M/S, Reed/Coler, Motion to adjourn the meeting at 12:30 a.m.

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

Respectfully submitted,

Toni DeFrancis  
Recording Secretary