

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
**March 4, 2020**

Mayor Goddard called the Regular meeting to order at 7:08 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Renee Goddard  
Stephanie Hellman  
John Reed

**COUNCILMEMBERS ABSENT:** Barbara Coler

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

Approval of Agenda and Affidavit of Posting

M/S, Reed/Hellman, Motion to approve the agenda and the affidavit of posting.

AYES: Ackerman, Hellman, Reed, Mayor Goddard

ABSENT: Coler

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Hellman announced she attended a workshop hosted by the Pacific Education Group at Drake High School called "Courageous Conversation" intended to promote interracial dialogue. She is planning on hosting a similar event. She is hosting office hours twice a week- Tuesdays from 11:00 a.m. to 12:30 p.m. and Sundays from 3:00 p.m. to 4:00 p.m. She announced a "Walk to End Alzheimer's" event at Sonoma State University. Mayor Goddard announced that the Boy Scouts of America have filed bankruptcy and clarified that Camp Tamarancho is in trust with the County of Marin and safe from the effects of the bankruptcy. There will be four compost deliveries this year with the first delivery occurring on March 21<sup>st</sup>. The second of the youth focused events is a Ping-Pong Tournament in the Pavilion on March 21<sup>st</sup> from 6:30 p.m. to 9:00 p.m. She noted that election signs need to be removed. Town Manager Toy announced the work will begin on the Parkade bus shelter project next week, and will take 30 to 40 days.

Open Time

Ms. Patti Breitman, Rally Court, asked the Town to install lighting in the Pavilion parking lot.

Ms. Suzanne Sadowski, Chair of the San Geronimo Valley Affordable Housing Association (SGVAHA), stated they are purchasing Brookside Apartments, 300 Olema Road, a 10-unit apartment building in Fairfax. The current occupants will be able to remain in their homes and the Association will preserve the existing affordable housing. She discussed the financing.

Mr. Kit Krauss, Vice Chair of the SGVAHA, discussed the opportunities for affordable housing and how the SGVAHA operates as a land trust.

Ms. Patti Breitman supported the SGVAHA and its efforts to provide affordable housing in Marin.

Ms. Kiki LaPorte, Glen Drive, and Ms. Lisel Blash, Pacheco Avenue, supported SGVAHA and thanked them for the Olema Road Project.

Ms. Lisel Blash, Pacheco Avenue, supported the SGVAHA and discussed other citizen-driven groups in the county with a similar mission

Ms. Miriam Weinstein, Oak Tree Lane, noted one of her neighbors recently installed a concrete driveway and she wondered if there was a regulation requiring permeable surfaces.

Ms. Marianna Kaplan, Deer Park, discussed the bicycle/vehicle accident that occurred on Creek Road and asked the Town to make the neighborhood safer. She mentioned several solutions including removing the parking spot at the corner, adding mirrors, stop signs, and speed bumps.

Ms. Mimi Newton, speaking as a Fairfax resident and not as a Planning Commissioner, asked the Council to consider instituting a vacancy tax on residential homes that are vacant for more than two months per year.

Ms. Mallory Geitheim, Willow Avenue, asked for an update on pathways that connect blocks to blocks. She supported the efforts of the SGVAHA to preserve affordable housing.

Dr. Jody Timms, Cascade Drive, supported the SGVAHA. Speaking as the Fairfax representative to the Commission on Aging, she gave a status report on Commission activities and discussed precautions to take with respect to the Coronavirus. The next Commission meeting will be held tomorrow with a presentation on transportation options. She also discussed Age-Friendly Fairfax activities including an "End of Life Planning" seminar and a Red Cross "Get Ready" Class for the residents of Bennett House.

Ms. Norma Fragoso, speaking as a Fairfax resident and not as a Planning Commissioner, applauded the efforts of the SGVAHA to preserve affordable housing. Affordable housing is a "labor of love".

Ms. Laurie Chorna, SGVAHA, thanked people for their donations and support.

Mr. Kathy Flores, Claus Circle, stated she sent an email to Town staff asking them to confirm that Town parks and open space were correctly zoned. She stated the General Plan and Zoning Ordinance designations do not match, and was concerned Senate Bill 330 would make it difficult to do anything about this discrepancy. She asked that this issue be added to a Town Council or Planning Commission agenda.

Ms. Debra Benson, Cascade Drive, asked for follow up to the February 8<sup>th</sup> Cascade Drive Project Neighborhood meeting. Town Manager Toy gave a brief status report.

Mr. Richard Applebaum, Woddland, supported the suggestion by Ms. Newton about a vacancy tax. He stated that better notification from FireSafe Marin tree work would be appreciated.

Ms. Weinstein stated the recent traffic back up due to an accident on Sir Francis Drake caused her to worry about it serving as an evacuation route.

#### 53.42 Consent Calendar

1. Accept Financial Statements and Disbursement Reports January 2020- Finance Director
2. Approve minutes for the February 5, 2020 Special and Regular Town Council meeting- Town Clerk
3. Reappoint Philip Green to the Planning Commission- Town Clerk
4. Receive written report on Councilmember's assignments, committees, and activities in February- Town Clerk
5. Authorize Mayor to send letters in support of SB 54 and AB 1080 California Circular Economy and Plastic Pollution Reduction Act- Town Manager
6. Receive Notice of Amendments to the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (FPOA) for the period of July 1, 2018 through June 30, 2021- Town Manager
7. Approve Sponsorship of the Little League Opening Day Parade on March 14, 2010- Town Clerk
8. Approve Notice of Completion for the Upper Scenic Pavement Rehabilitation Project- Town Manager
9. Receive report on planned pedestrian safety improvements at the Sir Francis Drake/Pastori Avenue/Willow Avenue intersection- Town Manager
10. Appoint Vice Mayor Ackerman to serve as alternate on the MCCMC Climate Change Committee- Town Clerk

Mayor Goddard referred to item #5 and stated the packet contained a template that will be modified. She referred to #9 and stated she would be meeting with the neighbors and the traffic engineer to further observe the intersection.

M/S, Ackerman/Reed, Motion to approve the Consent Calendar as submitted.  
 AYES: Ackerman, Hellman, Reed, Mayor Goddard  
 ABSENT: Coler

#### Public Hearings

11. (Continued from March 4, 2020) 80 Crest Road: Appeal of a Planning Commission denial of a Height Variance for an unpermitted ground flood level that would result in the height of the residential structure being approximately 50 feet; Assessor's Parcel No. 002-152-32; Residential Single-Family RS-6 Zone; Verle and Marene Sorgen; appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)- Principal Planner

Mayor Goddard stated this item has been continued to the April 1, 2020 meeting.

12. Adopt resolutions adopting the California Environmental Quality Act (CEQA) Final Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Meadow Way Bridge Replacement Project and Approving the Proposed Meadow Way Bridge Replacement Project- Town Manager

Mayor Goddard stated she would recuse herself from this item since she lives within 500 feet of the project. She left the dais and the Chambers.  
Vice Chair Ackerman assumed the role of presiding official.

Town Manager Toy presented the staff report.

Mr. Nader Tamannaie, Bridge Engineer with California Infrastructure Consultancy, gave a PowerPoint presentation. He answered questions from the Council.

Mr. Jeff Riley, Senior Environmental Planner with WRA, stated his firm had been hired for the CEQA study and to determine whether the project would require an Environmental Impact Report (EIR) or a Mitigated Negative Declaration. His firm prepared the Initial Study and MND; no state agencies submitted comments on them. He gave a PowerPoint presentation.

Vice Mayor Ackerman opened the Public Hearing

Mr. Richard Applebaum stated this is “a solution” but he was not sure it was “the best solution”. He asked if preparing an Environment Impact Report (EIR) would be redundant. He asked if there were alternatives to the use of concrete.

Ms. Debra Benson, Cascade Drive, stated the construction should not take place during the Spotted Owl nesting season. She requested a legal easement for public access the creek.

Mr. Larry Bragman stated this was a rich habitat and that the project deserved a full EIR. He discussed other projects in Marin County and noted a full EIR was required for the Lagunitas Bridge project. He submitted documents to the Town Clerk.

Mr. Frank Egger, speaking for Save Fairfax, requested a full EIR and a hold on the project in the meantime. He submitted a letter to the Town Clerk and read it into the record.

Mr. Michael Mackintosh stated the biggest impact is the amount of time a project takes and suggested the use of a crane would expedite it. He supported a project that would have the least impact on the environment and take the least amount of time.

Vice Mayor Ackerman closed the Public Hearing.

Mr. Nick Brinton, wildlife and fisheries biologist with WRA, and Mr. Tamannaie responded to some of the comments made by the public. They answered questions from the Council.

The Council received further clarification from the engineers and biologists regarding the hydrology and hydraulics of the creek in the area of the project, the materials chosen, the neighborhood process, the environmental mitigation measures, and the need for abutments.

M/S, Reed/Hellman, Motion to continue this item to the next meeting.

AYES: Hellman, Reed, Vice Mayor Ackerman

RECUSED: Mayor Goddard

ABSENT: Coler

The Council took a 10-minute break at 9:40 p.m.

Mayor Goddard returned to the dais.

## Regular Agenda

### 13. Discuss/consider Climate Action Committee (CAC) Workplan for Fiscal Year 2020/21 and direct staff as appropriate- Town Manager

Town Manager Toy presented the staff report.

Mayor Goddard opened the meeting to public comments.

Mr. Walt Vernon, Chair of the CAC, gave a PowerPoint presentation that included an overview of the plan and short-term and long-term goals. He discussed about the \$20,000 allocated this year for energy improvement to Town facilities. He answered questions from the Council.

Ms. Joanne Lanier, CAC member, presented a vision of Fairfax in 2030, and stated Fairfax needed to lead by example.

Dr. Jody Timms, CAC member, encouraged the community to move quickly to address the climate emergency.

Mr. David Haskell, CAC member, stated this is not a time to set goals - it took away the urgency of "now". Systemic change needs to happen.

Ms. Kiki LaPorta, CAC member, stated there was a convergence of emergencies right now - climate, fire/disaster, and health. We need to work together to improve resilience in all these emergencies. Collaboration is crucial.

Mr. Richard Applebaum, Woodland, liked the vision and inspiration but was concerned about mandating things without citizen input.

Mr. Mark Bell, Dominga Avenue, suggested providing people with a list of changes that were easy to make: get rid of gas leaf blowers transition to LED bulbs, energy-efficient appliances.

Mr. Mark Vendetti, Muriel Way, stated he had improved the efficiency of his house through some simple measures. He has been able to create a net zero energy house and would be willing to share his resources with people.

Courtney discussed her work on battery storage, the need to hire a sub-contractor to do the schematic design documents, and funding from MCE.

Mayor Goddard closed the meeting to public comments.

Councilmember Hellman, CAC liaison, discussed the need to be bold now. She asked questions about electrifying the Women's Club. She supported collaboration with San Anselmo.

Vice Mayor Ackerman, CAC liaison, noted that the climate is slow moving and yet it changes and sometimes the shift is sudden, as seems to be happening now. He added one more CAC initiative: converting the solar array on the Pavilion to one with a battery backup. This would require \$2000 in seed money.

The Council was generally supportive of the CAC ideas.

Mayor Goddard asked staff to report back in April with more data on costs and to discuss the possibility of a workshop.

M/S, Reed/Hellman, Motion to hear item #15 ahead of #14 and waive the 11:30 p.m. rule.  
AYES: Ackerman, Hellman, Reed, Mayor Goddard  
ABSENT: Coler

15. 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 Section 15269(c)- Town Manager

Town Manager Toy presented a staff report.

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum stated he did not support regulations for something that happens only three or four days a year. If the Town does regulate, he requested that the hours for generators be as long as possible and adding exceptions for refrigerators losing food, breast milk, medicines, sump pumps.

Mr. Richard Behrens, Fairfax resident, went through the Town's permit process to install a permanent generator on his property. He feels he should be grandfathered in. He noted the difficulty involved in turning off and on a generator at night. Permanent generators should be separated from portable generators.

Mayor Goddard closed the meeting to public comments.

Councilmember Reed gave a brief report on his conversation with Fairfax Lumber to provide practical solutions for equipment that will support neighbors getting along, such as dual fuel models, noise shielding.

M/S, Reed/Ackerman, Motion to continue this item.  
AYES: Ackerman, Hellman, Reed, Mayor Goddard  
ABSENT: Coler

4.20.35 14. Receive 2019-20 Mid-Year Budget Review Report and approve mid-year budget adjustments for Police and Fire 03- Field Equipment Replacement- Town Manager, Finance Director

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

Finance Director Vivrette answered questions from the Council.

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

M/S, Ackerman/Reed, Motion to receive 2019-20 Mid-Year Budget Review Report and approve mid-year budget adjustments to increase Police Fund 01-411 by \$90,000 and increase Fire Fund 03 by \$27,623.90.

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

16. Read by title only and adopt 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 Sections 15061(b)(3), 15307, and 15308

Town Clerk Gardner presented the staff report.

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

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

AYES: Ackerman, Hellman, Reed, Mayor Goddard

ABSENT: Coler

#### 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/Hellman, Motion to adjourn the meeting at 11:50 p.m. in memory of Mr. David Michael Dunne.

AYES: Ackerman, Hellman, Reed, Mayor Goddard

ABSENT: Coler

Respectfully submitted,

Toni DeFrancis  
Recording Secretary