

Fairfax Town Council and Fairfax Financing Authority Minutes

Wednesday, September 2, 2020

Special and Regular Meeting

Via teleconference due to COVID-19

Mayor Goddard called the **Special Meeting** to order at 5:30 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Renee Goddard
Stephanie Hellman
John Reed

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney

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

Regular Agenda (Special Meeting)

1. Adopt a Resolution forming the Racial Equity and Social Justice Committee-Town Manager

Town Manager Toy presented the staff report.

Councilmember Hellman had a question about the recommendation for a one-year term.

Town Manager Toy stated staff was unclear whether or not this would be a permanent Committee.

Councilmember Coler confirmed the Council should adopt the resolution with a definitive number of members.

Councilmember Reed suggested the possibility of expanding the membership of the Committee.

Mayor Goddard opened the meeting to public comments.

Ms. Deborah Benson noted the resolution did not mention the \$100,000 budget for this Committee. She opposed giving members of this Committee a stipend unless the same was done for all the Boards, Committees, and Commissions.

Ms. Daria Sievers stated she was concerned about the impact expanding the membership might have on efficiency.

Mr. Chance Cutrano stated he was concerned about the impact expanding membership might have on achieving a quorum.

Mayor Goddard closed the meeting to public comments.

Councilmember Coler stated she supported a Committee of eleven members, including one or two non-voting youth members, and starting off with a one-year term limit. Facilitator would be included as part of the \$100,000, budget. She agreed about the concern about obtaining a quorum

Councilmember Ackerman stated he supported eleven members, plus two youth members, and two Councilmembers. He agreed about the concern about obtaining a quorum, and also scheduling meetings. He asked if the Committee would establish bylaws that would include the maximum number of meetings a member may miss and remain on the committee.

Councilmember Hellman supported eleven members, two Councilmembers, and two youth members. She supported one-year terms initially. She assumed it was a permanent Committee. She noted they would not spend the entire budget on consultants.

Councilmember Reed supported the eleven members, two Councilmembers, and two non-voting youth, one-year terms initially, and having the bylaws include the maximum number of meetings a member may miss.

Mayor Goddard agreed with the other Councilmembers.

M/S, Hellman/Coler, Motion to adopt a Resolution forming the Racial Equity and Social Justice Committee.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (through a roll call vote)

The Council took a five-minute break at 6:20 pm.

2. Selection and appointment of applicants to the Racial Equity and Social Justice (RESJ) Committee- Town Manager

Town Manager Toy presented the staff report.

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

Mayor Goddard closed the meeting to public comments.

Town Manager Toy explained the voting process would include four rounds, with the highest vote getters in each round moving to the next round.

The Council voted on each applicant when their name was read aloud by the Town Clerk. The vote was recorded and tallied prior to moving to the next round. The process for four rounds of voting.

M/S, Coler/ Reed, Motion to appoint the following individuals to the Racial Equity and Social Justice (RESJ) Committee: Daria Sievers, Veronica Geretz, Layli Shirani, Patrece Bryan, Lisel Blash, Tayu Neogy, Amal Jamal, Griselda Hernandez, Zianah Griffin, Alexandra Rosen, Serena Campbell, Sophia Martin (Youth position), and Sophia Mottershead (Youth position).
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (through a roll call vote)

Mayor Goddard adjourned the special meeting at 7:10 pm.

Mayor Goddard called the **Regular meeting** to order at approximately 7:10 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Renee Goddard
Stephanie Hellman
John Reed

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Chris Morin, Police Chief
Linda Neal, Principal Planner

Mayor Goddard announced the various ways the public could participate in the virtual meeting.

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, Chair Goddard (through a roll call vote)

Announcements

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

Open Time

Ms. Barbara Petty stated the Forrest Avenue Fire Wise community was doing good vegetation clearing. She asked the Town to clear the vegetation on the Town-owned properties in the neighborhood.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. The Commission is sponsoring an event tomorrow on the effects of COVID-19 in nursing homes. Breakfast with Friends will be held on September 16th and the Age Friendly Forum will be held on September 23rd. The topic will be ageism.

Ms. Valerie Hood had concerns about the movement to defund the Fairfax Police, and how the Council would address it. She was concerned about how reducing the police budget might impact an emergency evacuation of the Town.

Mr. Richard Applebaum asked if a debate was planned for the Town Council candidates. Town Clerk Gardner stated such events were organized by the League of Women Voters.

Mr. Frank Egger, Meadow Way, stated he was concerned that the Bennett House did not have a generator for power outages. He asked who will evacuate the complex during an emergency.

Ms. Julia Ledyard stated she had hoped that a resolution supporting the Golden Gate Village residents would be on tonight's agenda. She encouraged the Council to visit the site.

Mr. Rick Hamer requested a campaign flag currently flying over Contratti Field be removed.

Ms. Deborah Benson stated her concern that the Town Attorney has worked on many projects with the Project Managers for the Marinda Heights.

Town Attorney Coleson stated she does not have any kind of a relationship with any consultants but had worked in her capacity as a City Attorney in another jurisdiction on different applications with Mr. Scott Gregory.

Mr. Sierra Salin stated candidates should speak for the whole community, and find a way to build unity.

Ms. Kathy Flores stated she would like the Town to address the increasing amounts of graffiti and vandalism, mail theft, and streets and sidewalks in need of repair.

Consent Calendar

1. Receive written reports on Councilmember's assignments, committees, and activities in August
2. Approve minutes for the June 17 and July 1, 2020 Town Council meetings
3. Biennial review of the Conflict of Interest Code and adoption of a resolution Confirming Biennial Review with no Amendments to the Conflict of Interest Code adopted pursuant To Resolution 18-03
4. Adopt a Proclamation to Designate September 2020 as Prostate Cancer Awareness Month
5. Receive report on the Town's Business Recovery Programs
6. Reappoint George (Geo) Taylor to the Fairfax Volunteer Board

Councilmember Hellman requested the draft July 1, 2020 minutes under the Marinda Heights item #14 reflect item her discussion on clustering with Planning Director Berto and the transparency discussion, and she asked that people's names be spelled correctly.

Mayor Goddard referred to item #4 and read the Proclamation aloud. She thanked Mr. Stan Rosenfeld for his great work.

Mayor Goddard referred to item #6 and thanked Mr. George (Geo) Taylor for his wonderful work in the community.

Mr. Rosenfeld thanked the Council for adopting the proclamation.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the corrections to the July 1, 2020 minutes as described by Councilmember Hellman.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (through a roll call vote)

Regular Agenda

7. Discuss/consider options for the Cascade Drive striping project and provide direction to staff-Town Manager

Mayor Goddard recused herself from this item due to the proximity of her home to the project.

Vice Mayor Ackerman presided.

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

Mr. David Parisi, Traffic Engineer with Parisi Transportation, discussed the dashed line concept, the speed survey, and speed humps. He answered questions from the Council.

Mr. Andrew Lee, Traffic Engineer with Parisi Transportation, discussed the speed study observations and speed sign data. He answered questions from the Council.

Councilmember Coler invited Police Chief Morin to share his opinion of how the changes to the road are working.

Chief Morin stated he is of the opinion that the original configuration was safer.

Vice Mayor Ackerman opened the meeting to public comments.

Ms. Valerie Hood supported bringing back center line and the idea of speed bumps.

Mr. Richard Applebaum referred to the intersection of Laurel and Cascade and stated most of the time people just do what they need to do because the traffic is sparse. It did not feel safe without a clear delineation of two lanes.

Mr. Sierra Salin stated people on foot or a bike need to be careful on a narrow and winding road. He supported center lines, especially on the curves. Signage is helpful.

Mr. Matthew Gable stated would like to see a return to the way things were or the addition of the center lines as described by the engineers.

Ms. Jess Lerner supported restoring the double yellow line and the slower speed limit.

Ms. Linda Kenton stated she walked up and down Cascade during the Shelter in Place and felt very safe. Traffic has slowed down and people seem to be paying attention.

Mr. Matt Querry agreed with Ms. Kenton. The main issue is speed.

Mr. Frank Egger, Meadow Way, opposed the way the project had come about. He stated Cascade Drive is an evacuation route for approximately 2,000 residents.

Dr. Jody Timms stated people speed on this road and cross over the yellow line on a regular basis, and that the current configuration was safer.

Mr. Chris Kenton stated that drivers refusing to slow down caused the unsafe condition. He supported adding single center line, keeping the fog lines, and continue collecting speed data.

Jolon, Cascade Drive resident, agreed with Mr. Kenton. He feels safer with the new striping. Cars are slowing down. He supported keeping the new striping and listening to the experts.

Ms. Deborah Benson stated neither the residents nor representatives of the Police Department were asked about the proposal prior to its implementation. Speeds have not decreased.

Steve stated did not support listening to outside consultants on a road they are not familiar with. Fire evacuation should be the priority. He supports returning the road to the way it was.

Ms. Sylvie LaDyne stated she rode her bike on this road, and supported listening to the professionals.

Ms. Stephen LaDyne noted that the road had not been narrowed - they were talking about paint. He supported trying to slow down cars and change people's behavior.

Mr. Chance Cutrano supported increasing safety and creating traffic calming measures.

Vice Mayor Ackerman closed the meeting to public comments.

Councilmember Hellman had questions about parking with respect to the double yellow lines and dashed lines. She supported the comments about evacuation, and markers on the road.

Councilmember Coler stated creating a safe environment and fire safety should be the priorities.

Councilmember Reed asked if a double yellow line could be supported in the current configuration. Traffic Engineer Parisi stated the road was narrow and large vehicles would have to cross it.

Vice Mayor Ackerman stated this is a difficult road and they are trying to get the best results. He asked about the use of speed bumps. Traffic Engineer Parisi stated they were not used on curved streets that have blind corners and steep grades.

Vice Mayor Ackerman asked if lane markings give some structure during an evacuation. Police Chief Morin stated "yes".

Councilmember Coler stated they need to think about safety during an evacuation. There is no perfect solution. She suggested rather than putting back the double yellow line they should put in a dashed yellow line on the entire road. She would like to keep the speed limit at 15 miles per hour. She is not sure about the fog lines since they seemed to add a layer of confusion.

Councilmember Hellman stated she was also concerned about the evacuation issue. She would like to keep the speed limit at 15 miles per hour and a dashed yellow line throughout. She does not feel safe with fog lines and would support removing them.

Councilmember Reed supported a dashed yellow line.

Vice Mayor Ackerman stated it seems like the Council is reaching a consensus to add a dashed yellow line as much as possible and keep the fog lines.

Town Manager Toy stated there could be some areas where the dashed yellow line would require some adjustments along with the elimination of the fog line. Traffic Engineer Parisi stated they would take a look at this. They do not want to create a lane that is too narrow for a vehicle to use.

M/S, Coler/Reed, Motion to move forward with the yellow dashed line along all of Cascade Drive and give the authority to make whatever changes are necessary to the fog lines. A significant change to the fog lines should come back to the Council.

AYES: Ackerman, Coler, Hellman, Reed (through a roll call vote)

RECUSED: Mayor Goddard

Mayor Goddard returned to the meeting.

The Council took a 5-minute break at 10:25 p.m.

Mayor Goddard opened the review of the agenda (10 o'clock rule).

M/S, Coler/Reed, Motion to move item #11 ahead of items #9 and #10, and attempt to cover item #8 with the idea that they would try to continue it to the October meeting.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard
(Through a roll call vote)

Public Hearings

11. Appeal of Planning Commission approval of a Conditional Use Permit for outdoor dining for the Lodge Restaurant at 1573 Sir Francis Drake Boulevard- Principal Planner

Principal Planner Neal presented a staff report. She answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Jim Donohue, appellant, stated there were two parts to the appeal. Signs, sawhorses, and construction cones can move over time. One of the tables is in a direct line of sight and hearing into his living room. He had talked with the owners and agreed to see how the location of the one table worked out and to build a sound wall. He is appealing the location of the one table. He added opposed the requirement that two individuals need to file an appeal.

Principal Planner Neal stated the Planning Commission in the past has included a condition that in order to rehear a Use Permit there must be two complaints about noise from unrelated property owners living near a commercial area.

Town Attorney Coleson stated the placement of the sawhorses (or anything else) must not block the access to an easement. Calling up a Conditional Use Permit for a rehearing by the Planning Commission was at the discretion of the Town. It does not require even one complaint.

Councilmember Hellman had a question about the appellant's request that the signs be posted on the sawhorses. Mr. Donohue stated his concern is about the demarcation of the area.

Mr. Bryan Bruckner, owner, stated he was sympathetic to Mr. Donohue's concerns about people meandering towards the day care and making noise. He installed sawhorses with signs stating, "Lodge boundary". They are clear and conspicuous. They addressed all the Planning Commission's concerns. They are trying to be good neighbors.

Ms. Lori Bruckner, owner, stated all the neighbors that border the property have sent letters of support.

Mr. Rick Hamer asked the Council to reintroduce table #7, as the driveway was now one-way.

Ms. Mallory Geitheim, Willow Ave., offered to be the second complainant for the appellant.

Ms. Jeffrey Wolford stated he lives next to the appellant, spends a lot of time outside, and can barely hear the noise from the Lodge.

Mr. Richard Applebaum stated these owners have been extremely patient and are trying to adapt. He advocated for supporting small businesses in these times.

Mayor Goddard closed the Public Hearing.

Councilmember Reed stated he agreed with Mr. Hamer about table #7. The problem needs to be solved at the property line of the person doing the complaints. He visited the site and found the carwash next door and Sir Francis Drake Boulevard to be noisier than the business.

Councilmember Coler stated the business owners had done a lot to work with all the neighbors. She supported upholding the decision of the Planning Commission and denying the appeal.

Councilmember Hellman stated the business owners have been flexible and accommodating.

Councilmember Ackerman agreed with the comments made by the other Councilmembers. The appellant could do some soundproofing on his end.

Mayor Goddard stated they need to bend over backwards to help these businesses. She asked if staff could streamline the sign permit process.

Principal Planner Neal stated the owners will need an exception to the Sign Ordinance for the “blade” signs which must be granted by the Planning Commission.

Ms. Lori Bruckner stated the signs were important to her business.

Town Attorney Coleson stated the business owners need to apply for the Sign Permit and the Planning Commission meeting needs to be noticed.

Councilmember Coler asked if the Council could put table #7 back into the plan. Town Attorney Coleson stated the Conditional Use Permit is open and can be modified since it is a “de novo” hearing.

Principal Planner Neal, in reply to a question from Mayor Goddard, stated table #1 is the small patio table along the building frontage on the east side of the exit driveway. This table could be placed back into the plan if the Council does not think it is a safety issue.

Mayor Goddard stated the two tables closest to the driveway (indicated by an “X”) were no longer a danger and she would put them back in the plan.

M/S, Coler/Reed, Motion to deny the appeal and uphold the decision of the Planning Commission subject to the following modifications: 1) Leave table #7 in the plan; 2) Leave the un-numbered table in the front in its current location; 3) Leave table #2 where it is indicated in the original plan.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (through a roll call vote)

RECESS

At 11:41 pm, the Town Council took a Recess to convene as the Fairfax Financing Authority.

Chair Goddard convened **the Fairfax Financing Authority Regular Meeting** at 11:42 pm.

Call to Order/Roll Call:

BOARD OF DIRECTORS PRESENT:	Bruce Ackerman Barbara Coler Renee Goddard, Chair Stephanie Hellman John Reed
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STAFF MEMBERS PRESENT:

Garrett Toy, Executive Officer
Michele Gardner, Secretary of the Board
Janet Coleson, Town Attorney

9. Adopt a Resolution Authorizing the Issuance and Sale of Lease Revenue Bonds to Fund All or a Portion of the Existing Unfunded Actuarial Liability of the Town to the California Public Employees' Retirement System, Refinance the Town's Obligation Under a 2017 Lease Agreement Executed to Fund a Portion of the Town's then Existing Unfunded Actuarial Liability, Approving the Form and Authorizing Execution of Related Documents and Approving Official Actions, for the purpose of generating savings to the Town's General Fund- Executive Director/Town Manager

Executive Director Toy presented staff reports for item #9 and #10.

Mr. Mark Pressman, Municipal Finance Advisor, discussed the fundamentals of the transaction.

Mr. Bud Levine, Municipal Finance Advisor, discussed Government Code Section 5852.1, a notice that is required before moving forward with the documents. The figures are straightforward including the interest rate, finance charges, cost of issuance, net proceeds received, and total debt service. He noted the following typographical error: Net proceeds to be received for the bonds should be \$9,278,000.

Mr. Brian Quint, Bond Counsel, stated the transaction is in the form of a lease revenue bond and is identical to the transaction done in 2017. He answered questions from the Council.

Chair Goddard opened the Public Hearing.

There were no comments.

Chair Goddard closed the Public Hearing.

M/S, Coler/Ackerman, Motion to Adopt a Resolution Authorizing the Issuance and Sale of Lease Revenue Bonds to Fund All or a Portion of the Existing Unfunded Actuarial Liability of the Town to the California Public Employee's Retirement System, Refinance the Town's Obligation Under a 2017 Lease Agreement Executed to Fund a Portion of the Town's then Existing Unfunded Actuarial Liability, Approving the Form and Authorizing Execution of Related Documents and Approving Official Actions, for the purpose of generating savings to the Town's General Fund.
AYES: Ackerman, Coler, Hellman, Reed, Chair Goddard (through a roll call vote)

At 12:04 am: Reconvene as the Town Council

Public Hearings

10. Adopt a Resolution Approving the Issuance and Sale By the Fairfax Financing Authority to Fund all or a Portion of the Existing Unfunded Actuarial Liability of the Town to the California Public Employee's Retirement System, Refinance the Town's Obligation Under a 2017 Lease Agreement Executed to Fund a Portion of the Town's then Existing Unfunded Actuarial Liability, Approving the Form and Authorizing Execution of Related Documents and Approving Official Actions, for the purpose of generating savings to the Town's General Fund- Town Manager, Finance Director

Town Manager Toy presented a staff report.

Mayor Goddard opened the Public Hearing.

There were no comments.

Mayor Goddard closed the Public Hearing.

M/S, Ackerman/Reed, Motion to Adopt a Resolution Approving the Issuance and Sale By the Fairfax Financing Authority to Fund all or a Portion of the Existing Unfunded Actuarial Liability of the Town to the California Public Employee's Retirement System, Refinance the Town's Obligation Under a 2017 Lease Agreement Executed to Fund a Portion of the Town's then Existing Unfunded Actuarial Liability, Approving the Form and Authorizing Execution of Related Documents and Approving Official Actions, for the purpose of generating savings to the Town's General Fund.

AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (through a roll call vote)

8. Discuss/Consider the concept of holding two regular Council meetings per month and direct staff- Town Manager

Town Manager Toy presented the staff report. He asked for clarity in terms of the Council's objectives.

Mayor Goddard noted the late hour and recommended they hear public comments and have a more robust conversation at the October meeting.

Councilmember Hellman requested the staff report next month include what the rest of the County does in terms of number of monthly meetings and print vs. electronic packets, and a proposal that could be voted on.

Town Manager Toy noted that Ross and Belvedere hold one regular monthly meeting, and the rest of the jurisdictions hold two.

Councilmember Coler referred to the cost figures and asked for information about hiring more staff including a Public Works Director.

Councilmember Ackerman stated the dates that were available for a second monthly meeting create conflicts with Councilmembers' other meetings.

Mayor Goddard opened the meeting to public comments.

Ms. Deborah Benson was in favor of trying out two meetings per month.

Mr. Richard Applebaum stated if the Council cannot get all its business conducted during one meeting in a reasonable amount of time then they should hold two meetings.

Ms. Mallory Geitheim agreed with Ms. Benson and Mr. Applebaum.

Mr. Chance Cutrano stated the essence of these meetings is participatory. They need to come up with practical solutions.

Mayor Goddard closed the meeting to public comments.

The Council agreed that the regular meetings going so late impacted the public's ability to

participate. It was also important to get through all of the Town business. Two shorter meetings instead of one longer meeting could help. Holding Special meetings could achieve the goal while offering some flexibility.

12. 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. 002-152-32; Residential Single-Family RS-6 Zone; Verle and Marlene Sorgen, appellants/owners; CEQA Categorically Exempt Per Sections 15301(e)(2)(1), 15060(c)(3)- Principal Planner, Town Manager
This item has been continued to the October 7, 2020 Town Council Meeting

Mayor Goddard noted this item was continued to the October 7, 2020 meeting.

Council Reports and Comments

Mayor Goddard reported Councilmembers' written reports and comments were contained in the packet.

Town Manager's Report

There was no report.

Future Agenda Items

None.

M/S, Reed/Coler, Motion to adjourn the meeting at 1:12 a.m. in memory of Ms. Connie Berto, with condolences to Planning Director Ben Berto.

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

Respectfully submitted,

Toni DeFrancis,
Recording Secretary