

Fairfax Town Council Minutes
Special Meeting and
Continued Special Meeting from October 21, 2020
Via Teleconference due to COVID-19
Wednesday, **October 28, 2020**

Mayor Goddard called both Special Meetings to order at 7:00 p.m.

Call to Order/Roll Call/Pledge of Allegiance:

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

Mayor Goddard explained the various ways an individual could participate in tonight's meeting.

Approval of Meeting Agenda and Affidavit of Posting

M/S, Hellman/Reed, Motion to approve the Agendas for the Continued Special Meeting and the Special Meeting and the Affidavits of Posting.

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

Consent Calendar

1. Receive Report on the status of Residential Rental Assistance Program to assist extremely low-income renters whose household incomes were adversely affected by COVID-19 and who are at risk of homelessness.

M/S, Hellman/Reed, Motion to pull the Consent Calendar item for discussion under the regular agenda.

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

Regular Agenda

1. Receive Report on the status of Residential Rental Assistance Program to assist extremely low-income renters whose household incomes were adversely affected by COVID-19 and who are at risk of homelessness.

Town Manager Toy presented the staff report, stating there were 38 applications and approximately \$43,000 left in the fund. Eight grants had been awarded, one was in process, and four were waiting for documentation. Seven were deemed ineligible and some no longer needed assistance.

Councilmember Hellman asked if they could change the criteria and expand the program to a higher income level. Town Manager Toy stated he would need to discuss that with the nonprofits administering the program.

Councilmember Coler noted that with \$43,000 and a cap of \$2,500, there would be seventeen possible grantees. She asked if the fifteen applicants on the County's wait list were contacted. Town Manager Toy stated they are included in the thirty-eight original applicants. Councilmember Coler stated they should check with some of the community-based organizations before expanding the program.

Mayor Goddard asked how many Fairfax residents were on the wait list prior to approval of this program. Town Manager Toy stated he would get that information.

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

Mayor Goddard stated she would prefer to continue the outreach at the lower income level to find the most vulnerable.

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

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

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum stated the goal was to end meetings earlier to maximize citizen participation by holding meetings that ended at a reasonable hour.

Ms. Pamela Meigs stated democracy was the goal.

Ms. Mallory Geitheim agreed with the previous two speakers. She added that the priority issues should be placed at the beginning of the agenda.

Mayor Goddard closed the meeting to public comments.

Councilmember Hellman supported the concept of two meetings. She asked for details on how they would measure the success.

Vice Mayor Ackerman stated one measurement of success would be taking care of issues and not continuing them. He liked the idea of one Regular Meeting and one Special Meeting starting at 6:00 or 6:30 p.m.

Councilmember Reed agreed with Councilmember Ackerman.

Councilmember Coler supported the idea of adding one Special Meeting per month starting at 6:30 p.m. She suggested changing the public's allotted amount of time to speak to two minutes when there were a lot of speakers. She did not think strict performance measures were necessary. Simple metrics would work.

Mayor Goddard supported a six-month trial period. She suggested scheduling a forum format for big topics. Town Manager Toy stated a workshop type format would not allow the Council to deliberate and take action. Town Attorney Coleson added that the Council could not have that type of back and forth on a quasi-judicial matter.

M/S, Coler/Reed, Motion to start most Special Meetings at 6:30 p.m., that they be scheduled over six months, and that at a future Council meeting they have a discussion on measures of success.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard (Through a roll call vote)

4. Receive report on the Town's Business Recovery Programs and provide direction on the extension of the terms of temporary encroachment permits and temporary outdoor use permit beyond the November 30, 2020 expiration date and uses of other public spaces- Town Manager
5. Introduction of an "Ordinance of the Town Council of the Town of Fairfax Authorizing the Town Manager to issue Temporary Outdoor Use Permits to Allow Restaurants and other Businesses to Provide Outdoor Dining and Curbside Pickup and Waiving any Applicant Fees in the Town's Review Process, and Authorizing the Expiration Date of Such Permits to Be Set by Resolution" and Adoption of a Resolution Setting an Expiration Date (May 31, 2021) for the Issuance of Temporary Use Permits to Allow Restaurants and Other Businesses to Provide Outdoor Dining and Curbside Pickup- Town Manager

Mayor Goddard stated these two agenda items would be considered concurrently.

Town Council Toy presented the staff report.

Mayor Goddard invited the Chamber of Commerce to address the Council.

Mr. David Smadback, Executive Director of the Chamber of Commerce, discussed the "shared table" program next to the Gestalt Haus. The program currently runs Thursday through Sunday from 10:00 a.m. to about 10:00 p.m. There are four beer tables with benches, six bistro tables with twelve chairs, and seven umbrellas. Seating capacity is about twenty-eight.

Mr. John Bela, Urban Design, discussed the design and configuration of the outdoor dining spaces along Broadway and Bolinas, the results of the surveys that were sent to local businesses, his recommendations for operations and maintenance, more bike parking, and better access to drinking water and restrooms.

Ms. Kaz Bagley, President of the Chamber of Commerce, stated the "parklets" and outdoor space are critical to helping the businesses survive, and that many of the restaurants were thinking about winterizing these spaces. The Chamber is recommending the continuation of the program until there is a return to normalcy.

Councilmember Coler stated one of the restaurants had a street extension that in front of a retail space. She also observed tables very close together. She asked Mr. Bela if those extensions could be shorter or if the retail businesses could be accommodated. Mr. Bela stated some additional design guidance could solve this issue. The intent of "shoplets" (extending the sidewalk into the curb lane) was to allow people to pass while practicing safe social distancing. Mr. Bela stated the idea of a parklet is that they are public – not just for the business.

Councilmember Hellman asked the Chamber to broaden the reach of the survey beyond the people using the shared tables.

Mayor Goddard opened the meeting to public comments.

Mr. Alec Shultiner stated he supported extending the program and increasing safety by installing bike lanes on Broadway to provide a buffer between outdoor seating and vehicular traffic.

Mr. Rick Hamer supported the intention of the Temporary Use Permit Program, but he had concerns with the Ordinance and opposed the extension of the TUP Program. He suggested existing permittees reapply under the new terms.

Ms. Pamela Meigs was supportive of the concept but had safety concerns about the parklet on Bolinas Road.

Ms. Mallory Geitheim read a statement from a resident about the status of one of the Temporary Use Permits.

Mr. Chance Cutrano supported the extension of the permits and more signage.

Mr. Mark Bell opposed making the permits permanent.

Mayor Goddard closed the meeting to public comments.

Councilmember Hellman thanked the Chamber of Commerce for their work on the Mono Lot. She asked for more communication to the public about what it is, and more signage explaining the way it operates.

Councilmember Coler stated the signs should say: 1) This is a public space for all; 2) No alcohol is allowed in this space; 3) Rest rooms are available at Town Hall.

Councilmember Hellman did not support the idea of opening it up to seven days a week.

Councilmember Ackerman stated the alcohol being consumed in this area should be from the local restaurants or bars.

Councilmember Reed stated this space is perceived to be an extension of the Gestalt Haus. The seven-day concept is a "chicken and egg" issue. They need a maintenance plan.

Mayor Goddard asked staff to bring back a proposal for the seven-day concept at the Mono Lot.

Councilmember Coler supported requiring businesses to reapply for Temporary Use Permits and the Temporary Encroachment Permits, as some may no longer want or need them. She asked for improved signage near the loading zone at Bolinas/Broadway to address double parking. She would like guidelines for retail accessibility and use of the parklets.

Councilmember Ackerman stated the structures should have reflectors during the winter months to improve visibility.

Councilmember Reed stated the needs of retailers and pedestrians should be reviewed.

Councilmember Hellman supported the reflector idea.

Mayor Goddard asked for more enforcement with respect to the double parking, and clear signage for the loading zones. Allowing the Mono Lot to be open 7 days a week would provide flexibility including an artisan's bazaar for the holidays.

Town Manager Toy stated staff would reach out to all applicants to see if they wanted to renew their TUP. He noted everything staff is doing is a "work in progress" and businesses are trying to survive.

M/S, Coler/Ackerman, motion to Introduction and read by title only an "Ordinance of the Town Council of the Town of Fairfax Authorizing the Town Manager to issue Temporary Outdoor Use Permits to Allow Restaurants and other Businesses to Provide Outdoor Dining, and other Retail Uses, and Curbside Pickup and Waiving any Applicant Fees in the Town's Review Process, and Authorizing the Expiration Date of Such Permits to Be Set by Resolution, and adding any

necessary amendments to the code language to effect that change.

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

M/s Coler/Ackerman, to establish an expiration date of May 31, 2021 and schedule the consideration of the resolution to be concurrent with the adoption of the Ordinance.

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

(Through a roll call vote.)

M/S, Reed/Coler, motion to adjourn the meeting at 10:35 p.m.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary