

DRAFT (rev) Fairfax Town Council Minutes  
Special Meeting  
Via teleconference due to COVID-19  
Wednesday, **November 18, 2020**

Mayor Goddard called the Special meeting to order at 6:30 p.m.

**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  
Kara Spencer, Assistant Planner

Mayor Goddard explained the various ways the public could participate in the meeting.

Approval of Meeting Agenda and Affidavit of Posting

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

Interview and Appointments

1. Interview applicants for the Climate Action Committee, the Tree Committee, and Measure F Oversight Committee; make appointments as appropriate- Town Clerk

The Council interviewed Ms. Beth Verdekal, for the Climate Action Committee. The second applicant for the Committee was not present.

The Council interviewed Mr. Tom Childers and Ms. Beth Verdekal for the Tree Committee.

Town Clerk Gardner reported the Measure F Oversight Committee interviews had been rescheduled to accommodate the applicants.

Mayor Goddard opened the meeting to public comments.

There were no comments.

Mayor Goddard closed the meeting to public comments.

The Council discussed staggered terms for the Climate Action Committee and the Tree Committee. Town Manager Toy discussed the ordinance and the nature of at-large membership.

M/S, Ackerman/Hellman, Motion to appoint Ms. Beth Verdekal to the Climate Action Committee.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

M/S, Coler/Reed, Motion to appoint Mr. Tom Childers to the Tree Committee.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

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

### Regular Agenda

2. Proclamation in Honor of Ms. Norma McFadden- Mask Maker Extraordinaire- Councilmember Coler

Mayor Goddard read the Proclamation in Honor of Ms. Norma McFadden- Mask Maker Extraordinaire.

Councilmember Coler read a message from Ms. McFadden thanking the Council for the recognition.

Mayor Goddard opened the meeting to public comments.

Ms. Liz Darby, Marin County Department of Health and Human Services, thanked Ms. McFadden for her service to the community.

Mayor Goddard closed the meeting to public comments.

3. Appeal of Planning Commission action approving Hill Area Residential Development, Excavation, Design Review, and Tree Removal Permits for the expansion and remodeling of the single-family home located at 6 Walsh Lane. Categorically Exempt from CEQA under CEQA guidelines per sections 15301(e)(2)(A) (Class 1) and 15302 (Class 2)- Assistant Planner, Planning Director  
Continued from November 4, 2020

Vice Mayor Bruce Ackerman recused himself due to the proximity of his home to the project.

Assistant Planner Spencer presented the staff report.

Councilmember Hellman asked if the reference to the 93 square feet that would remain unfinished was new information. Assistant Planner Spencer stated "no". Councilmember Hellman asked staff to point it out on the plans. Planning Director Berto noted it was on the east side and was less than seven feet in height.

Councilmember Hellman asked if there was a permit for the legal nonconformity of the structure. Assistant Planner Spencer explained the nonconformities were built prior to the applicable Zoning Code Sections. That is what makes them legal, non-conforming.

Councilmember Hellman asked staff to explain how the proposed project does not increase the existing combined front and rear nonconforming setbacks even though there is an increase in height. Planning Director Berto stated that was not a trigger. Town Attorney Coleson stated the height is not already nonconforming and the proposal is within the height limit.

Councilmember Coler asked staff to display Page F2 of the plans regarding the Ross Valley Fire Department's notes on access. Councilmember Reed stated there was a 20' X 30' fire truck space shown on Page F2. Assistant Planner Spencer displayed the Fire Department notes.

Councilmember Reed asked about the square footage of the homes at the end of the street. Assistant Planner Spencer stated there was a chart in the Planning Commission staff report.

Mayor Goddard asked how much total square footage was being added outside of the original footprint of the house. Planning Director Berto stated 406 square feet.

Mayor Goddard asked about the southwest corner and the height (31'10). Planning Director Berto stated the grade drops in that area and about 20 square feet is at that height.

Mayor Goddard asked about the Marin Municipal Water District's requirements for a rainwater system. Planning Director Berto stated it was listed as a Condition of Approval in the resolution adopted by the Planning Commission.

Mayor Goddard noted the applicant and appellant had made presentations at the November 4<sup>th</sup> Council meeting, and tonight they were available for questions.

Mayor Goddard opened the Public Hearing.

Councilmember Coler asked the applicant if they intended to incorporate a graywater system into the plans. Ms. Laura Kehrlein, project architect, stated they were planning to install a valve on the washing machine and the dishwasher to allow discharge into the landscaping.

Councilmember Reed asked the applicant if they had considered other methods. Mr. Kehrlein stated they would be happy to look at going above and beyond the minimum requirements.

Ms. Sharab Bogan, Walsh Lane, opposed the project. The design and size did not fit in with the neighborhood and would create parking issues.

Ms. Lynn Yetter opposed the project, and stated that building a five-bedroom home eliminated housing for seniors, a couple, or a small family.

Mr. Frank Egger, speaking for Save Fairfax, urged the Council to approve the appeal and allow the applicant to reapply for a smaller structure. He discussed his interpretation of the Town Code. He was concerned about "ex parte communications."

Mr. Christof Bessler stated Walsh Lane was a small neighborhood and the design of the project did not fit into the neighborhood.

Ms. Valerie Hood opposed the project. She was concerned about water shortage and fire evacuation.

Ms. Pamela Meigs urged the Council to consider the character of the neighborhood and grant the appeal.

Mr. Larry Bragman supported the appeal. He stated the unfinished area should be added to the Floor Area Ratio (FAR) calculation, that the entire structure was nonconforming, and any expansion required a Variance. He also stated that the project includes a second story addition of approximately 400 square feet which requires a variance under Fairfax Town Code 17.028.130.

Ms. Sandra Stamos opposed the project as too big and was concerned about impacts to traffic and parking.

Mr. Rick Hamer supported the appeal and the creation of a Design Review Board.

Ms. Ling Shien Bell supported the appeal. The house was out of character and too big.

Karen stated there should be a compromise. She stated the house did not fit the neighborhood.

Ms. Mahoney Neal supported a compromise. She was concerned for the neighborhood.

Mr. Morgan Hall, appellant, stated the Code states that a discrepancy cannot be increased. He stated a basement must counted as floor area whether or not it is habitable and that put it over the FAR. He discussed the County Assessor records regarding the lower level.

Ms. Deborah Benson stated the project did not fit into the neighborhood and that was a basis for denial. She was concerned about the excavation.

Ms. Laura Kehrlein, project architect, stated the project meets the Zoning Codes and provides parking and a fire-safe structure. She urged the Council to review the facts presented in the staff report and the Town Attorney's memorandum, deny the appeal, and uphold the Planning Commission's approval of the project.

Mayor Goddard closed the Public Hearing.

Councilmember Coler stated Councilmembers are permitted to meet with the applicants during the site visit and the Council disclosed their visits at the public hearing on this matter. The existing structure is a fire hazard and a blight on the neighborhood. The project did not need any Variances. The Commission followed the Design Review guidelines. The project is within the size and height limits. The legal, nonconforming elements are not being exacerbated and are grandfathered in. The unfinished area should not count towards the FAR. **She noted that Findings would need to be made if they were to approve the appeal.**

Councilmember Reed agreed the existing structure is in a dilapidated state. He was concerned that the project is much bigger than the other houses on the street, and that Walsh Lane is a ten-foot-wide private road with no on-street parking. The project complies with all the words in the Code, but Design Review is about the "look and feel" of a project. He would like to see a compromise that the neighbors could live with.

Councilmember Hellman asked for clarification of the Code with respect to a second story addition/alteration. Town Attorney Coleson stated she did not view this as a second story and is of the opinion that the alteration is in conformance. Planning Director Berto stated it complied with the Zoning standards and does not require a Variance.

Councilmember Hellman stated she had concerns about parking, evacuation, and preserving the character of the Town. She stated the project did not fit in - it was larger in floor area and higher than homes in the neighborhood.

Mayor Goddard stated there were Findings that need to be made that clearly define a decision. The existing structure is a fire hazard. The project does not look like the other houses on Walsh Lane but there is an eclectic mix of designs in the neighborhood. The house is big, but there will be minimal disturbance of the natural features. The project is creating off-street parking. There are no visual or privacy impacts. The project meets all the sections of the Code. She liked the design and materials.

Town Attorney Coleson stated there was a resolution denying the appeal in the packet. It would take three votes to pass a resolution. Granting the appeal would require the Council make Findings, so the matter would need to be continued for the findings to be incorporated in a resolution that would be brought back to the Council at the next meeting. A tie vote constitutes "no action" and the decision of the Planning Commission would stand unless there was a subsequent motion for continuance.

Councilmember Coler made a motion to deny the appeal.  
Mayor Goddard seconded the motion.  
Councilmember Hellman voted no.

At 10:04 p.m. the Council took a break.

The Council reconvened at 10:21 p.m.

Town Attorney Coleson noted there was a motion on the table with one no vote and reminded the Council that if Councilmember Reed voted no, the appeal would be denied and the Planning Commission approval would stand unless there was a further motion to continue the matter and it was approved with three votes.

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

Motion failed due to the tie.

M/S, Hellman/Reed, Motion to continue the appeal to the December 16th meeting.  
AYES: Hellman, Reed  
NOES: Coler, Mayor Goddard  
RECUSED: Ackerman

Town Attorney Coleson stated the decision of the Planning Commission approving the project application stands.

Mayor Goddard adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary

DRAFT Fairfax Town Council Minutes  
Regular Meeting  
Via teleconference due to COVID-19  
Wednesday, **December 2, 2020**

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

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Bruce Ackerman  
Chance Cutrano (incoming)  
Barbara Coler  
Renee Goddard  
Stephanie Hellman  
John Reed (outgoing)

**STAFF MEMBERS PRESENT:**

Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Chris Morin, Police Chief

Mayor Goddard explained the various ways the public could participate in the meeting.

Mayor Goddard stated she would like to rearrange the order of the agenda as follows: 1) Continuation of item #15; 2) Move Open Time so it is heard after item #7; 3) Move Town Manager's Report to after #7 but before Open Time.

Approval of Meeting Agenda and Affidavit of Posting

M/S, Ackerman/Reed, Motion to approve the Affidavit of Posting and the agenda with the following change: 1) Continuation of item #15; 2) Move Open Time so it is heard after item #7; 3) Move Town Manager's Report after #7 but before Open Time.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Land Acknowledgement

Announcements

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

Consent Calendar

1. Receive written reports on Councilmember's assignments, committees, and activities in November- Town Clerk
2. Approve minutes for Town Council meetings of May 15 and 27, 2020, August 12 and 19, 2020, and the Fairfax Financing Authority meeting on August 19, 2020- Town Clerk
3. Ratify appointment of Lieutenant Rico Tabaranza as the Interim Police Chief- Town Manager

Councilmember Ackerman referred to item #1 and stated he and Mayor Goddard have been serving on a working group that is researching the possible renaming of Sir Francis Drake Boulevard. The item will be on the December 16<sup>th</sup> Council agenda.

Councilmember Hellman asked that item #3 should be pulled to allow the public to speak.

Ms. Shelby LaMotte thanked Mayor Goddard for her leadership.

Mr. Joseph McGarry referred to item #3 and had a question about the proposed compensation. He supported the appointment of Lt. Tabaranza.

Mr. Larry Bragman referred to item #3 and stated he supported the appointment.

Ms. Veronica Geretz thanked Mayor Goddard and Councilmember Ackerman for their work on the issue of renaming Sir Francis Drake Boulevard.

Councilmember Coler reported the televised version of the meeting was briefly interrupted by the symphony.

Town Manager Toy discussed the Police Memorandum of Understanding and the difference between an "Acting Chief" and an "Interim Chief".

M/S, Coler/Reed, Motion to approve the Consent Calendar items #1, #2, and #3.  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

#### Regular Agenda

#### 4. Proclamation in Honor of Police Chief Morin- Councilmember Coler

Councilmember Coler read the Proclamation in Honor of Police Chief Chris Morin.

Chief Morin thanked the Council and stated it was an honor and privilege to have served the Town of Fairfax.

Town Manager Toy presented Chief Morin with a gift and stated it was a pleasure working with him.

Mayor Goddard opened the meeting to public comments.

Mr. Sierra Salin stated the Town would miss Chief Morin.

Mr. John Romaidis, Mr. Frank Egger, Ms. Valerie Hood, Ms. Debra ("Dee Lee") Benson, Mr. Larry Bragman, Ms. Barbara Petty, Ms. Jane Richardson, Ms. Veronica Geretz, the Council and staff thanked Chief Morin for his service and wished him well in his retirement.

Mayor Goddard closed the meeting to public comments.

#### 5. Adopt a Resolution Reciting the Fact of the General Election held on November 3, 2020 Declaring the Results and such other Matters as Provided by Law- Town Clerk

Town Clerk Gardner presented the staff report.

Mayor Goddard opened the meeting to public comments.

Ms. Ruby Tcherepanova thanked the Council for their hard work and asked the public to think about how they deliver their message.

Mayor Goddard closed the meeting to public comments.

M/S, Reed/Coler, Motion to Adopt a Resolution Reciting the Fact of the General Election held on November 3, 2020, Declaring the Results and such other Matters as Provided by Law  
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

6. Proclamation in Honor of Councilmember John Reed- Mayor Goddard

Mayor Goddard read the Proclamation in Honor of Councilmember John Reed.

Councilmember Reed stated Fairfax is a special place and it was his pleasure to have served on the Council. He hopes to run into people on the trails!

Town Manager Toy presented Councilmember Reed with a gift and thanked him for his support of staff over the years.

Mayor Goddard opened the meeting to public comments.

Marin County Supervisor Katie Rice thanked Councilmember Reed for his service and wished him well in his future endeavors.

Mr. Sierra Salin, Mr. Larry Bragman, Ms. Holly Bragman, Mr. Chance Cutrano, staff and the Council thanked Councilmember Reed for his years of service.

Mayor Goddard closed the meeting to public comments.

7. Administer the Oath of Office to Newly Elected Officials- Town Clerk

Town Clerk Gardner administered the Oath of Office to newly elected Councilmembers Coler, Ackerman, and Cutrano.

Mayor Goddard opened the meeting to public comments.

Ms. Veronica Geretz congratulated Councilmember Cutrano.

Mayor Goddard closed the meeting to public comments.

Town Manager's Report

Police Chief Morin discussed the status of a disturbing incident that occurred in Fairfax on November 24<sup>th</sup> regarding an individual who was posting swastika stickers in the Town.

Mayor Goddard delivered a statement about the incident.

Open Time

Mr. Sierra Salin asked about the status of the bus shelter and the proposal for removable sides.



Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report on the Commission's activities. The December 10<sup>th</sup> meeting will include a discussion on legislative updates and California's Master Plan on Aging. The Age Friendly Marin Forum will be held on December 16<sup>th</sup> and will be a discussion on "Cultivating an Empowered Life- Looking Forward to 2021". A Bay Area Age Friendly Meeting was held on November 20<sup>th</sup> and included a discussion on "Digital Literacy and Inclusion". The Age Friendly Fairfax "scorecard" was recently updated by Councilmember Coler. One of the Age Friendly Fairfax Strategic Goals is to support disaster preparedness for older adults.

Ms. Pam Meigs, Ross Valley Sanitary District Board member, stated the district created a Scholarship Program and gave a \$4,000 award to three recipients. The district also expanded eligibility for the Sewer Service Charge Assistance Program in addition to the 25% discount for eligible low-income property owners. She reported the 9-acre parcel owned by the district in Larkspur Landing will be signed off by the Environmental Protection Agency (EPA).

Mr. Richard Applebaum suggested the Town take action in opposition to hateful symbolic language. He would also like to know where each councilmember stands on development.

Mr. Walt Vernon, representing the Climate Action Committee (CAC), gave a status report. He noted there is a competition between Fairfax and San Anselmo to see who can get 20% of households signed up for Marin Clean Energy (MCE) Deep Green first. The CAC is hosting a Community Conversation every second Monday about revisions the Climate Action Plan.

Ms. Veronica Geretz thanked Mayor Goddard for her leadership, and suggested people strive to connect across their differences.

Mr. Joe McGarry thanked Mayor Goddard for her leadership. He opposed the County Sheriff Department's recently formed JPA for drugs, out of concern for potential biased enforcement.

Mr. Deborah Benson, member of the Tree Committee, was concerned about an email she had received from Councilmember Hellman relating to the Tree Committee.

Ms. Mallory Geithem supported MCE Deep Green. She requested the Affordable Housing Committee meet on a regular basis. She supported creating a separate Design Review Board.

Ms. Jane Richardson Mack, Tree Committee member speaking as a resident, was concerned about Councilmember Hellman's remarks about the Tree Committee.

Ms. Valerie Hood stated the Tree Committee members had a right to offer public comment as residents.

Mr. Mark Bell expressed concerns about the Cascade Drive striping. He was interested in the cost of various public works projects.

Steve, Cascade Drive, stated restriping Cascade Drive made a bad situation worse. He was concerned that the Police and Fire Departments were not consulted.

Ms. Amy Flynn, Forrest Avenue, thanked the Town for removing the brush in her neighborhood.

#### 8. Reorganization of the Town Council: Selection of Mayor and Vice Mayor- Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Coler clarified that the staff report was not an attempt to direct the reorganization in any way.

Mayor Goddard opened the meeting to public comments.

Mr. Brad Clark, Mr. Richard Applebaum, Ms. Jessica Lerner, Ms. Sandy Hatcher, Ms. Mallory Geithem, supported the selection of Councilmember Hellman as Vice Mayor.

Mr. Christof Bessler supported each Councilmember having a chance to be Mayor.

Mr. Tunafish Salin asked everyone to be careful of what they say on-line.

Mr. Frank Egger noted the positions of mayor and Vice Mayor rotated among the Council, but that could change with an elected Mayor.

Mayor Goddard closed the meeting to public comments.

M/S, Cutrano/Coler, Motion to select Vice Mayor Ackerman as Mayor.

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

Mayor Ackerman entertained a Motion to select the Vice Mayor.

M/S, Coler/Goddard, Motion to select Councilmember Hellman as Vice Mayor.

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

Mayor Ackerman reviewed the agenda pursuant to the 10:00 rule.

M/S, Coler/Goddard, Motion to continue item #13 to the December 16<sup>th</sup> meeting.

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

The Council took a 10-minute break at 10:15 p.m.

#### Consent Calendar

9. Adopt a Resolution approving a future application for California Per Capita Grand Funds-  
Town Manager

10. Approve Amendment #3 Agreement with Fredric C. Diving Architects (FCDA) in an amount not to exceed \$40,000 for additional design and structural engineering services required for the Pavilion Seismic Retrofit project-Town Manager

11. Approve response to 2019-2020 Marin County Civil Grand Jury Report Entitled *The Gun Next Door: Firearm Safety in Marin County*- Police Lieutenant

12. 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

Councilmember Coler referred to item #9 and suggested changing the wording related to who can sign various documents to "Town Manager *or designee*".

In answer to questions from Councilmembers Goddard, Hellman, and Cutrano about item #12, Town Manager Toy stated the program as approved allows one month's rent, which the Council could reevaluate in January.

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

The Council reached consensus and directed staff to add the item to the December 16, 2020 agenda to consider a change to the program's current grant limit.

M/S, Goddard/Cutrano, Motion to approve the Consent Calendar with the amendment to the resolution in Item #9 as recommended by Councilmember Coler.

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

### Regular Agenda

14. Approve response to 2019-2020 Marin County Grand Jury Report entitled *Climate Change How Will Marin Adapt?*- Town Manager

Town Manager Toy presented the staff report. He noted the report had been reviewed by the Climate Action Committee (CAC), who had provided comments.

Mayor Ackerman opened the meeting to public comments.

Ms. Wendy Kallins, speaking on behalf of the Marin Climate Action Network, stated they support the stronger language of the Fairfax Climate Action Committee. There should be coordination between the different committees in the County.

Mayor Ackerman closed the meeting to public comments.

The Council went over each response in detail and made a number of suggestions.

M/S, Coler/Goddard, Motion to approve responses to 2019-2020 Marin County Grand Jury Report entitled *Climate Change: How Will Marin Adapt* subject to the recommendations by the Council subject to Councilmember Cutrano working with staff on modifications to the language.

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

13. Discuss concept of forming a Community Emergency/Disaster Preparedness Committee- Town Manager

Mayor Ackerman stated this item was continued.

15. Provide direction to staff regarding the closure of the lower portion of Mono Alley and Reopening the Mono Parking Lot from Wednesday through Sunday- Town Manager

Mayor Ackerman stated this item was continued.

### Public Hearings

16. 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

Mayor Ackerman stated this item has been continued to the December 16, 2020 meeting.

Council Reports and Comments

Mayor Ackerman stated a written report and comments were contained in the packet.

M/S, Goddard/Coler, Motion to adjourn the meeting at 11:45 p.m. in memory of Ms. Gail Koffman and Mr. Jack Stewart.

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

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary

DRAFT