

Fairfax Town Council Minutes
Special Meeting to Conduct Interviews
And Regular Meeting
Via teleconference due to COVID-19
May 5, 2021

Mayor Ackerman called the Special Meeting to order at 6:15 p.m.

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney

Interview and Appointments

1. Interview two applicants and discuss/consider appointment to fill an unexpired term on the Planning Commission- Town Clerk

The Council interviewed Robert Jansen and Brett Kelly for appointment to the unexpired term on the Planning Commission.

Mayor Ackerman opened the public comment.

Betsy Kelly supported Brett Kelly.

Mayor Ackerman closed the public comment.

M/S, Coler/Cutrano, Motion to appoint Robert Jansen to the unexpired term on the Planning Commission to January 31, 2024.

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

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

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Linda Neal, Principal Planner
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

M/S, Cutrano/Goddard, Motion to approve the Affidavit of Posting and the agenda with the following change: Move the Regular agenda ahead of the Public Hearing and move item #15 to before item #14.

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

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Councilmember Hellman briefly discussed the Cascade Road Striping Project.

Open Time

Rick Hamer suggested spectator seating for the skate park.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report.

Deborah Benson asked about the Cascade Drive Restriping Project.

Linda Novy thanked the Town for weeding around the fire hydrant on Cascade Drive and installing "No Parking" signs.

Mark Bell opposed the Land Acknowledgement on the agenda.

Presentations

1. Presentation of a Proclamation in memory of Eugenio Ardito- Councilmember Coler

Mayor Ackerman read the Proclamation and invited public comments.

Michael Ardito thanked the Council for honoring his father.

Mayor Ackerman closed public comment.

2. Presentation on proposed uses of local funds for the Marin Wildfire Prevention Authority- Fire Chief Weber

Fire Chief Jason Weber gave a PowerPoint presentation that included the following: 1) Town of Fairfax- Wildfire Prevention; 2) Marin Wildfire Prevention Authority- History, Funding, Core, Local, and Defensible Space (d-space); 3) Core Projects- Greater Ross Valley Benefits; 4) Example of D-Space Program Software; 5) Fairfax Local Funding; 6) Next Steps.

Chief Weber answered questions from the Council.

Mayor Ackerman opened public comment.

Richard Applebaum suggested adding staff, a jobs program, and emergency helicopters and planes.

Frank Egger suggested voiceover commands for emergency sirens and pop-up signs to facilitate evacuations.

Linda Novy asked about closing open space areas closed on Red Flag Days.

Janet Fitzgerald recommended the LRAD system.

Jane Richardson Mack, Tree Committee, stated there are many tree removal applications.

Mayor Ackerman closed public comment.

3. Presentation from Marin County Parks on the Planned Improvements for the Elliot Preserve- Marin County Open Space

Town Manager Toy presented a staff report.

Jon Campo gave a PowerPoint presentation that included the following: 1) Cascade Canyon Preserve; 2) Proposed Project Location; 3) Project History; 4) Purpose of Proposed Project- Implement the RTMP; 5) Proposed Project Objectives; 6) Studies to Inform Design and CEQA Analysis; 7) Stakeholder Engagement; 8) Development of Shared Goals 9) Proposed Project Components; 10) Bridge Site #1; 11) Canyon Trail- Change in Use; 12) Canyon Trail- Chicanes; 13) Bridge Site #2; 14) Grassland Restoration and Fencing; 15) Bicycle Rack; 16) Implementation; 17) Bullfrog Creek Bridge; 18) Visitor Use; 19) Trail Bridges; 20) More Information; 21) Next Steps.

Jon Campo, Max Korten, and Michelle Julene answered questions.

Mayor Ackerman opened public comment.

Aaron Spindell, representing Access for Bikes, supported the project.

Linda Novy opposed the project.

Linda B. opposed the project.

Minna Kim opposed the project.

Janet Fitzgerald opposed the project.

Zachary Warner supported the project.

Frank Egger, representing Save Fairfax, opposed the project.

Charles Merrell supported the project.

Pamela Meigs opposed the project.

Jess Lerner opposed the project.

Deborah Benson opposed the project.

Rene Voss, San Anselmo, opposed the project.

Lisel Blash supported the project.

Dave Jay supported the project.

Mallory Geitheim emphasized that this is a nature preserve.

Tom Boss, representing the Marin County Bicycle Coalition (MCBC), stated this bridge project reduces the linear footage of bike trails. The project would reduce the impacts to the habitat.

Geoffrey Bolt opposed the project.

Mayor Ackerman closed the public comment.

The Council expressed some concerns about increased traffic and parking. They requested increased and improved signage, education, enforcement, and a letter to the Bicycle Coalition to be distributed to cyclists.

It was noted that this is the same project that was presented in 2017.

The Council took a 10-minute break at 10:05 p.m.

Consent Calendar

4. Receive Financial Statement and Disbursement Reports March 2021- Finance Director
5. Receive written report on Councilmembers' assignments, committees, and activities in April- Town Clerk
6. Approve minutes for the Town Council meetings of March 3 and 17, 2021- Town Clerk
7. Adopt a resolution establishing the Town's Community Emergency Preparedness Committee
Town Manager
8. Authorize the Mayor to prepare a letter to cyclists to remind them to be respectful in riding in Town and adjacent open spaces- Mayor
9. Receive update on the preparation of the Town's Fiscal Year 2021-22 Operating and Capital Improvement Budget for discussion at the May 27th budget workshop- Town Manager, Finance Director
10. Receive Treasurer's Report for Quarter Ending March 31, 2021- Town Treasurer
11. Appoint Serena Campbell to the Community Interview Panel to replace Sophia Martin as the Racial Equity and Social Justice Representative- Town Manager

There were no public comments.

M/S, Cutrano/Hellman, Motion to approve the Consent Calendar with the following edit to the March 3, 2021 Council minutes: On page 4, add Councilmember Cutrano suggested a presentation of the Bridges Project as a future agenda item.

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

Mayor Ackerman reviewed the 10:00 rule.

MS, Goddard/Cutrano, motion to continue agenda item #12 to the June 2nd Council meeting.

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

Public Hearings

12. Introduce and first reading by title only an Ordinance of the Town Council of the

Town of Fairfax Amending Chapter 17.020 and Adding Section 17.020.030(c) to include the requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element which is a Part of the Design of the Building in all Zones Except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10; Exempt from CEQA Pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), 15305, and 15378- Town Manager

Mayor Ackerman stated this item was continued to the June 2, 2021 meeting.

13. 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 Margene Sorgen, appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)- Principal Planner, Town Manger
This item has been continued to the June 2, 2021 Town Council Meeting

Mayor Ackerman stated this item was continued to the June 2, 2021 Council meeting.

Regular Agenda

15. Adopt two resolutions to extend the terms of temporary outdoor encroachment permits and temporary use permits from May 31, 2021 to September 7, 2021, continue the discussion of the use of outdoor public spaces (e.g., parking spaces) and provide direction to staff- Town Manager

Town Manager Toy presented a staff report and answered questions from the Council. He confirmed that the Mono Lot use was at the will of the Council.

Mayor Ackerman opened public comment.

Jane Richardson Mack opposed extending permits too much. The Mono Lot seems more egalitarian.

Patrece Bryan was concerned that people did not follow mask rules in the Mono Lot.

Devon Wilson had parking and safety concern regarding the structures.

Britt Williams supported extending the terms.

Pamela Meigs opposed the encroachments on Bolinas Road out of evacuation concerns.

Lisel Blash supported extending the terms of the parklets and the Mono Lot.

Christine Kelly supported extending the terms.

Veronica Geretz supported extending the terms.

Mallory Geitheim stated parklets should be smaller.

Joe McGarry supported extending the terms.

Brian Poindexter supported extending the terms.

Will Hubert supported extending the terms.

Kelsey Fernandez had concerns about outdoor alcohol consumption.

Brenna Gubbins recommended talking to the business owners before extending the terms.

Deborah Benson opposed extending the terms.

Richard Applebaum supported benches but had safety concerns.

Mark Bell supported extending terms until Covid ended.

Gerry Kelly supported extending the terms.

Mayor Ackerman closed the public comment.

The Council discussed a 3-month extension but was not able to reach consensus. They discussed the need for timelines, for more rules regarding the structures, for feedback from businesses and residents, and to address parking.

M/S, Cutrano/Goddard, Motion to adopt a resolution to extend the terms of temporary outdoor encroachments permits from May 31, 2021, to the first Wednesday in May 2022, and direct staff to modify applications to require businesses to consult with adjacent businesses regarding the use of outdoor space and to prohibit roof covers; and direct staff to the address the problem of the step at the Village Sake.

AYES: Cutrano, Goddard, Mayor Ackerman

NOES: Coler, Hellman (through a roll call vote)

M/S, Cutrano/Goddard, Motion to adopt a resolution extending the expiration date to May 8, 2022 for temporary outdoor use permits to allow restaurants and other businesses to allow outdoor dining, other retail commercial uses, and curbside pick-up.

AYES: Cutrano, Goddard, Mayor Ackerman

NOES: Coler, Hellman (through a roll call vote)

M/S, Coler/Cutrano, Motion to appoint Councilmember Goddard and Cutrano to the ad-hoc sub-committee to explore parking.

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

The Council asked Town Manager Toy to arrange for the Fire and Police Chiefs to make a address safety concerns of the parklets at the next Council meeting.

M/S, Coler/Goddard, Motion to waive the 11:30 p.m. rule

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

14. Discuss results from the community questionnaire for Police Chief and police services-Town Manager

Town Manager Toy presented a staff report and gave a PowerPoint presentation.

Mayor Ackerman opened the public comment.

Veronica Geretz stated the RESJ and PPPSA were eager to work with the Police Chief and she was very interested in the mental health aspect.

Naomi Alessandra supported public safety alternatives.

Brian Poindexter agreed with the previous speakers and supported change and innovation.

Deborah Benson supported the Fairfax Police Department.

Devon Wilson questioned the validity of the survey.

Joe McGarry supported a mental health response team.

Matt Quirie supported a mental health response team.

Jesse Lumb supported 24-hour mental health dispatch.

Mark Bell questioned the validity of the survey.

Frank Egger questioned the low response rate. He supported the Fairfax Police Department.

Britt Williams supported Fairfax setting an example of what policing should look like.

Mayor Ackerman closed the public comment.

There was no direction given.

Council Reports and Comments

Mayor Ackerman noted these reports were included in the packet.

Town Manager's Report

There was no report.

M/S, Goddard/Coler, Motion to adjourn the meeting at 1:45 a.m. in memory of Rudy Contratti's father, Rudolph Contratti.

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

Respectfully submitted,

Michele Gardner, Town Clerk