

Fairfax Town Council Minutes
Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, November 16, 2022

Vice Mayor Cutrano called the Special meeting to order at 6:00 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler (via Zoom videoconference)
Chance Cutrano
Renee Goddard
Stephanie Hellman (arrived 6:09 p.m.)

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
David Woltering, Interim Planning Director
Linda Neal, Principal Planner

Approval of Agenda and Affidavit of Posting

M/S, Goddard/Ackerman, Motion to approve the affidavit of posting and the agenda as submitted.
AYES: Ackerman, Coler, Goddard, Vice Mayor Cutrano
ABSENT: Mayor Hellman

Report out on Closed Session

Vice Mayor Cutrano stated there was no Closed Session meeting and no report.

Announcements

Vice Mayor Cutrano made the announcements as they appeared on the agenda.

Mayor Hellman arrived at the meeting.

Interviews and Appointments

1. Interview applicant Patrick Costello and consider his appointment to the Climate Action Committee

The Council interviewed Patrick Costello for the Climate Action Committee. There was no public comment.

M/S, Goddard/Ackerman, Motion to appoint Sheryl Shakeshaft to the Climate Action Committee.
AYES: Ackerman, Coler, Goddard, Vice Mayor Cutrano, Mayor Hellman

2. Interview applicant Sheryl Shakeshaft and consider her appointment to the Climate Action Committee

The Council interviewed Sheryl Shakeshaft for the Climate Action Committee.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh supported the appointment of Sheryl Shakeshaft.

Mayor Hellman closed the meeting to public comments.

M/S, Ackerman/Cutrano, Motion to appoint Sheryl Shakeshaft to the Climate Action Committee.
AYES: Ackerman, Coler, Goddard, Vice Mayor Cutrano, Mayor Hellman

Mayor Hellman announced that Legal Aid of Marin was hosting a Fairfax Community Clinic on new tenant protections on November 29th from 6:00 p.m. to 8:00 p.m. in the Fairfax Library.

Consent Calendar

3. Adopt a Proclamation Celebrating Native American Heritage Month- Vice Mayor Cutrano
4. Authorize the Town Manager to execute an agreement, approved as to form by the Town Attorney, with DC Electric for the purchase and installation of a Traffic Detection Device at the intersection of Claus Drive and Sir Francis Drake Boulevard in an amount not to exceed \$28,325- Public Works Director
5. Adopt a Resolution Declaring the Town-owned Street Sweeper, Air Compressor and Oil Spreader as Surplus to the Needs of the Town and Authorizing Disposal by Public Auction- Public Works Director
6. Adopt a Resolution Designating the Town Manager as the Town's Agent for Purposes of Obtaining Federal and State Financial Assistance- Town Clerk

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

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

Regular Agenda

7. Receive Housing Element Status Report

Planning Director Woltering presented a staff report, and introduced Andrew Hill, Project Manager from Dyett and Bhatia, who gave a PowerPoint presentation. They answered questions regarding the adoption date; how the grace period works; the review period; certification by Housing and Community Development (HCD); if the Town needs to work on the Conservation Element; scheduling with the subcommittee; how the public can get information and engage in the process; use of the Town's Website; what is the typical back and forth that goes on with HCD; builder's remedy; which of the components need the most attention; if they have the necessary data; if there will be a second round of public comments.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh discussed the potential inclusion of his property, the Marin Town and Country Club, as an opportunity site.

Frank Egger, representing Save Fairfax, asked about the scoping session on the draft: where the Town was in terms of the CEQA process; payments to EMC; if Fairfax Speaks will be a part of the Town's Website; and the EIR.

Mayor Hellman closed the meeting to public comments.

Staff stated that the legal requirement of 30-day public comment period was satisfied, but there will be more opportunity when the draft becomes available for public review.

Public Hearing

8. Introduce Ordinance Amending the Town's Zoning Code to Prohibit New Gas Filling (Service) Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Gas Filling (Service) Stations; CEQA categorically exempt per Sections 15307 and 1506(b)(3) and 15300.2

Planning Director Woltering presented the staff report.

Mayor Hellman opened the public hearing.

Michael Mackintosh was concerned this ordinance seemed like a taking and created a non-conforming use, which could harm a business.

Frank Egger supported a ban on new gas stations but was concerned this ordinance went further. He noted there are two family-owned stations in Fairfax that are on the direct route to the Point Reyes Nations Seashore, and there continued to be a need for these.

Jody Timms, speaking as a resident, supported the ordinance as well as the existing gas stations. She stated that the Climate Action Committee supported the ordinance.

Jenny Baker, Co-coordinator of "Congas" in Sonoma County, supported the ordinance

Silke Valentine, 350Marin Steering Committee and Novato resident, supported the ordinance

Mayor Hellman closed the public hearing.

The Council discussed freeing up valuable resources (land use) from something that is becoming obsolete; financing for replacing underground tanks and potential contamination of groundwater.

M/S, Coler/Goddard, Motion to Introduce and waive first reading an Ordinance Amending Section 17.008.020, "Definitions", and Section 17.096.05, "Conditional Uses and Structures", and adding a new Section, 17.016.08o, "Regulation of Non-Conforming Filling Service Station Uses and Structures" to Title 17 of the Fairfax Municipal Code and finding the action exempt from CEQA with the changes made by Councilmember Coler and Planning Director Woltering and with the commitment that the Town Attorney and Town staff look at the issue of how to deal with non-conformities to make sure businesses are able to gain financing if needed.

9. Introduce Ordinance transferring authority to review and grant exceptions to the residential and commercial driveway width and number regulations from the Town Council to the Planning Commission and expanding the variance language contained in the various Residential and commercial zone districts to include driveway entrance variances; CEQA Categorically exempt per Sections 15301(e) and 15303 (a) and (c) and 15305

Principal Planner Neal presented a staff report. She answered questions from the Council regarding the repeating language in the ordinance; the possibility of changing the language from an “increase in the width” to “a change in the width”.

Mayor Hellman opened the public hearing.

Michael Mackintosh supported the ordinance.

Mayor Hellman closed the public hearing.

Planning Director Wolford cited the language in the ordinance and stated he did not think there was a need for any modifications.

M/S, Goddard/Ackerman, Motion to Introduce and waive first reading of an Ordinance of the Town Council of the Town of Fairfax amending Town Code Chapter 12.12, “Driveway Entrances” giving authority to the Planning Commission to grant exceptions to the driveway width and number of driveway entrances regulations adding sections to Title 17, Zoning Sections 17.076, RS 7.5 Single Family Residential Zone, Medium Density, Chapter 17.080, RS 6 Single Family Residential Zone High Density, Chapter 17.084 RD 5.5-7, Residential Zone High Density, Chapter 17.088, RM Multi Residential Zone, Chapter 17.092, RMS Multiple Family Residential Senior Residential Zone, Chapter 17.124 UR Upland Residential Zone, Chapter 17.092, CL Limited Commercial Zone, Chapter 17.096, CH Highway Commercial Zone, Chapter 17.100 CC Central Commercial Zone, Chapter 17.04 CS Service Commercial Zone, Chapter 17.124, UR Upland Residential Zone, cross-referencing Chapter 12.12, Driveway Entrances throughout the Town, RS 7.5, RS6, RD 5.5-7, RM, RMS, and UR Residential Zones, and CL, CH, CC, and CS Commercial Zones and amending the Variance Sections of the Residential Zones to include Driveway Variance and of the commercial zones to include variance provisions.

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

The Council took a 5-minute break and reconvened at 8:34 p.m.

10. Adopt Resolution Approving Maximum Rates Collected by Marin Sanitary Service for Solid Waste Services to be Effective January 1, 2023

Town Manager Abrams introduced Garth Shultz, representing R3, who gave a PowerPoint presentation. He, along with the MSS team, answered questions regarding Exhibit B and how the figure of 5.06% was calculated; what is different about an indexed year vs. a non-indexed year; how the public is being informed; the reasons for the different rates in different jurisdictions; what is going on in the recycling markets.

Mayor Hellman opened the public hearing.

Frank Egger, Meadow Way, asked that recycling collection centers be re-opened so that residents could collect their deposits.

Michael Mackintosh stated that the Town was fortunate in the relationship it had with MSS.

Mayor Hellman closed the public hearing.

Patty Garbarino, President of MSS, gave an update on recent MSS activities and programs, specifically SB 1383.

M/S, Goddard/Cutrano, Motion to Adopt a Resolution Approving Maximum Rates Collected by Marin Sanitary Service for Solid Waste Services to be Effective January 1, 2023.

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

The meeting was adjourned at 9:20 p.m.