

REVISED DRAFT Fairfax Town Council Minutes
Regular Meeting
Wednesday, July 1, 2020
Via teleconference due to COVID-19

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

1. Interview and discuss/consider appointment of applicant Shelley Clark to the Planning Commission- Town Clerk

The Council interviewed and appointed Ms. Shelley Clark to the Planning Commission.

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

Approval of Meeting Agenda and Affidavit of Posting

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

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Town Manager Toy stated the schedule for Chipper Days, sponsored by the Marin Wildfire Prevention Authority (MWPA), was posted on the MWPA Website.

Open Time

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. The Commission is meeting tomorrow morning to discuss the subject of "Tele-health". The Ross Valley Seniors will have a Zoom "luncheon" to discuss Uber Go-Go Grandparent, a local transportation system. The Age Friendly Fairfax Breakfast will be held via Zoom, as well as a class on how to use iPhones.

Ms. Linda Novy provided some positive comments about the Fairfax Police Department. She opposed the idea of reducing the funding for the Police Department.

Barbara Petty, former Town Treasurer, noted the Parcel Tax that recently passed helps pay for Public Safety. She asked about the legality of cutting these services. She opposed reducing funding for the Police Department.

Mr. Richard Applebaum discussed the challenges for retail services and self-employed individuals during the pandemic. He suggested the Council waive their monthly stipend and that Department heads take a 10% voluntary pay cut.

Ms. Cindy Swift voiced her support of the Police Chief, the Police Department, and its community-oriented policing approach.

Ms. Mimi Newton stated she was speaking as a resident of Fairfax and not as a Planning Commissioner. She discussed the professionalism, quick response, and sensitivity and compassion of the Fairfax Police Department. Comparing the Fairfax Police Department's Budget with those that share forces is not a fair comparison.

Ms. Patrece Bryan stated she is a minority in this Town and spoke on behalf of the Fairfax Police Department. She is confident in calling them when in trouble.

Mr. Nicolo Calderraro supported the Fairfax Police Department. He thanked the Council for helping the business community during the pandemic.

Ms. Mallory Geitheim supported the Fairfax Police Department. She stated the overgrowth on footpaths between streets need to be cleared.

Mr. Jessie Hoffman supported the Fairfax Police Department and opposed defunding them. He voted for Measure "F" to fund Public Safety.

Mr. Elias Karkabi spoke in favor of defunding the Police Department and looking at alternatives to traditional policing.

Mr. Justin Roland spoke in support of the Fairfax Police Department.

Mr. Mike Ghiringhelli stated he supported the Fairfax Police Department and the leadership of Chief Morin. The passage of Measure "F" was a vote of confidence.

Mr. Walt Vernon, Chair of the Climate Action Committee (CAC), gave a status report of the CAC activities and projects.

Ms. Veronica Geretz stated this was about the system of racism inherent in policing and not about the quality of the Fairfax Police Department.

Ms. Marcia Custer stated the Fairfax Police Department has done an extraordinary job. They are quick to respond in a professional manner.

Ms. Debra Benson stated the Town has an invaluable, personal, 24/7 relationship with the Fairfax Police Department. They are not overfunded. She reminded everyone that "the personal is the political". She asked about the status of the Cascade Drive Restriping Project.

Ms. Jess Lerner, Canyon Road, supported the creation of a committees to address racism. She supported the idea of having two Council meetings per month.

Mr. Joe McGarry stated Measure “F” was for Municipal Services and not strictly for Police services. Defunding the Police is not about the quality of the Fairfax Police Department but rather the systemic racism inherent in policing. He discussed a new model of Public Safety that includes services for mental health, addiction, and homelessness.

Ms. Angie Bodoni stated the Fairfax Police Department does not make her or the people in the community feel safer. She supported defunding the Police Department and the reallocation of that funding to social services.

Ms. Miranda Sway stated she was scared of the Fairfax Police Department. She supported reimagining public safety.

Mr. Larry Bragman stated as an attorney practicing law in Marin County he has seen both ends of the system. At least 75% of his clients have pre-existing conditions related to abuse, neglect, or addiction that are not addressed in our society. The “defund police” idea is a misnomer- the intent is to create a more just society.

Mr. Ryland Morgan supports the defund Police movement.

Mr. Sierra Salin stated Police vehicles used to say “To Serve and Protect” but the verbiage changed. It is no longer an equal dialogue. The Fairfax Police Department remains locally controlled.

Laura T. stated there is a problem of privilege in Fairfax. She questioned the need for a Police Department and supported a new model.

Ms. Jennifer Lauter stated she recently had a very positive experience with the Fairfax Police Department. The community needs more affordable housing to create diversity.

Ms. Zianah Griffin discussed the system of policing in the country.

Mr. Brian Poindexter stated Fairfax is not an island and exists in a much broader context. He supported defunding the Police Department.

Ms. Rebecca Ladine stated Fairfax is progressive but not diverse. She would like to allocate funding to public protectors who are not Police and do not carry guns.

An individual stated she would like the Police Department to be “peace officers” and help situations. She does not feel safe because of the control aspect.

Ms. Miriam Hamsa stated she would like to see arrest statistics for Fairfax vs. Marin County residents.

Ms. Naomi Schultz, speaking on behalf of Rethink Police, stated Measure “F” was about municipal services. Conversations about racial justice and policing are not intended to be personal. Calls for help could be answered by someone who is not armed and has the needed expertise.

Ms. Charlotte Fuller agreed with some of the comments made by the previous speaker. They can do some things that are proactive.

Ms. Emma Lauter stated the Town has a responsibility to react to what is going on in the current social climate. There are positive ways to do that but defunding the Police is not one of them.

Ms. Kim Cusnick stated this is not about judging or punishing the Police- it is about allocating all the funds for all the services that the Police have been given.

Mr. Chance Cutrano, speaking on behalf of Reimagine Public Safety, stated he has friends and colleagues that do not feel comfortable coming to Fairfax. He discussed crime statistics.

Elizabeth P. stated the national crisis is revealing the identity crisis of the Town. We need to examine our limitations and build community.

Ms. Julia Ledyard stated they need to rethink Public Safety.

Natasha stated the quality of the Fairfax Police Department is not in question. They need to address the real needs of the community and other Public Safety alternatives.

Ms. Megan McCullough supported the defund Police agenda.

Simone supported reimaging Public Safety in Fairfax and reallocating the funds to the needs of the community.

H. H. Franks invited everyone to imagine a diverse Fairfax with affordable housing in the hills.

Mr. Mark Bell asked what the Police Department has in its arsenal. There are other ways to look at the role of the Police Department.

The Council took a 5-minute break at 9:25 p.m.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports April 2020- Finance Director
2. Accept Financial Statements and Disbursement Reports May 2020- Finance Director
3. Receive written reports on Councilmember's assignments, committees, and activities in June- Town Clerk
4. Approve minutes for the May 6, 2020 Town Council regular meeting- Town Clerk
5. Adoption of a resolution Affirming that Black Lives Matter and Committing to Turn our Intentions into Action- Mayor Goddard
6. Reappoint Michael Ardito and Ruth Horn to the Fairfax Open Space Committee- Town Clerk
7. Approve response to Marin Civil Grand Jury Report entitled Follow up Report on Web Transparency of Agency Compensation Practices- Town Manager
8. Adopt a Resolution Establishing a Temporary Limit of 15% on Commissions Charged by Third Party Food Delivery Companies to Support Restaurants in Fairfax During the COVID-19 Pandemic- Town Manager
9. Appoint the Mayor and Vice Mayor to a multijurisdictional working group to participate in the community discussions regarding the potential name change of Sir Francis Drake Boulevard- Town Manager

10. Authorize the Mayor to send a letter requesting Governor Newsom establish Juneteenth as a State Holiday- Councilmember Coler

Councilmember Coler asked that item #5 be pulled for discussion and placed after item #15.

Councilmember Hellman asked that item #4 be continued. She made a comment regarding item #8.

M/S, Coler/Hellman, Motion to approve the Consent Calendar with a continuation of item #4 to the August meeting and pulling item #5 for discussion and placing it after item #15.

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

Public Hearings

11. Appeal of a Temporary Use Permit for outdoor seating for the Lodge Restaurant at 1573 Sir Francis Drake – Town Manager, Planning Director

Planning Director Berto presented a staff report. He answered questions from the Council.

Mayor Goddard opened the Public Hearing.

Mr. Donohue, appellant, stated he filed the appeal because tables were placed about 100 feet from the back of his house. His house is on top of a day care center and they have gone from screaming kids during the day to a pub at night. He met with the owners of the Lodge who are making concessions. He thinks everything is now acceptable and he can work with the owners.

Councilmember Coler stated it sounds like the appellant does not want to go forward and she asked staff if the Council needs to make a decision. Town Manager Toy stated Mr. Donohue could withdraw his appeal and the Town would refund the appeal fee.

Mr. Donohue stated he would like to withdraw his appeal. Planning Director Berto asked Mr. Donohue to submit this request in writing.

Mayor Goddard closed the Public Hearing.

12. Consider a Variance for 181 Meernaa Avenue (APN 002-162-20) to have a second driveway per Town Code Chapter 12.12 and Code Section 12.12.050 and 12.12.060 to access the Planning Commission approved second carport, categorically exempt from CEQA per Sections 15301(a), and (e)(1)- Principal Planner, Planning Director

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

Mayor Goddard opened the Public Hearing.

Mr. Stephen LaDyne thanked Principal Planner Neal for summarizing the issues. He was available for questions.

Mayor Goddard closed the Public Hearing.

M/S, Coler/Reed, Motion to Adopt the Resolution Approving Application No. 20-06 for a Variance to allow a second driveway for 181 Meernaa Avenue.

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

Regular Agenda

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 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 September 2, 2020 Town Council Meeting

Mayor Goddard noted this item was continued to the September 2, 2020 meeting.

Regular Agenda

14. Adopt a resolution authorizing the Town Manager to enter into an agreement with: Ascent Environmental, Inc., to prepare an Environmental Impact Report (EIR), at the applicant's cost, for the Marinda Heights Subdivision (a.k.a. "Wall Property"); and Lamphier-Gregory to perform project management and coordination services for the EIR and overall project, at the applicant's cost- Town Manager, Planning Director

Planning Director Berto presented the staff report.

Ms. Christy Black, Principal with Lamphier-Gregory, stated the purpose of a scoping session is to gather public input the scope and what should be addressed in the EIR.

Councilmember Hellman referred to the email from Planning Commissioner Rodriguez and asked staff to address some of the questions. Planning Director Berto stated the email was forwarded to the environmental consultants and they will incorporate the questions into their analysis.

Councilmember Hellman asked why the non-environmental portion of the project review would occur at the same time as the EIR. She stated this could imply that the project is being "fast-tracked". Town Attorney Coleson stated the EIR and any entitlements are taken as a package. The EIR is done first. A decision cannot be made on the entitlements until they have acted on the EIR. This is not being fast tracked.

Councilmember Hellman asked for transparency related to the Project Manager.

Councilmember Hellman raised a question about clustering houses and staff explained that was an issue that would be addressed as part of the process by the Planning Commission once an application has been submitted. Staff also confirmed that the property zoning would not change from UR-10, and no variance on the Hillside Ridgeline Ordinance was requested.

Councilmember Coler asked if the property has one parcel that is UR-7 and if there is the potential for 10 homes. Planning Director Berto stated it is not a separate parcel but rather a small portion of the larger parcel that is RS-7.5, but that is not the key to whether there are nine or ten lots. There are over 100 acres and the Assessor's Office information that it is 99 acres is not accurate. The applicant had the entirety of the property surveyed.

Councilmember Coler asked that the resumes for individuals assigned to this project (Ascent Environmental Inc. and Lamphier-Gregory) be posted to the Town website.

Councilmember Reed asked if the key vantage points would be determined in the public process. Planning Director Berto stated this will be determined through the review process, the use of the visual resources, and other information.

Mayor Goddard opened the meeting to public comments.

Ms. S. Burns stated she did not see how this could pass the UR-10 Zoning and the Ridgeline Ordinance. The setbacks requirements are clear, and the site is very steep.

Mr. Pete Duggins questioned the zoning of the property and asked how development and the clustering of houses were possible. He asked if any variances would be requested.

Ms. Mallory Geitheim stated there have already been a lot of meetings about this development and the Council is not listening to the citizens.

Ms. Jessica Green asked why they are letting the developer extend Ridgeway Avenue. The development does not have any affordable housing. The Town should buy the property

Ms. Susan Pascal Beran, Chair of the Open Space Committee, stated it was important for the Committee to be consulted. They have many concerns including dust from the construction.

Mr. Richard Applebaum stated the community does not want ten mansions on this property. He wants assurances that the property will not be rezoned, clustering will not be allowed, and there will be no development on the ridgelines.

Elizabeth P. was concerned about the traffic and the troublesome intersection of Willow and Sir Francis Drake Boulevard.

Ms. Pamela Meigs stated this development will change the Town forever. She talked about the character of Fairfax and saving the ridgelines.

Ms. Debra Benson was concerned that the project manager is being chosen because of his relationship with staff. The development goes against the ordinance and should not go any further.

Mr. Mark Bell agreed with the comments made by Ms. Geitheim. The zoning does not allow clustering. More information is needed before any decision is made on the EIR.

Ms. Ling Shien Bell asked about prior attempts to develop the property and the geologic stability of the property.

Mr. Frank Egger, speaking for Save Fairfax, stated the public needs to know the process that was used to select the consultants and who received Requests for Proposals (RFP). He questioned hiring a project manager before determining whether or not the project would be allowed. The UR-10 Zoning does not allow clustering. He urged the Council to reject the staff recommendation and direct staff to put together a new RFP.

Mayor Goddard closed the meeting to public comments.

Planning Director Berto answered some of the questions asked by the public and he noted the

scoping session would address these issues.

M/S, Coler/Ackerman, Motion to Adopt a Resolution Authorizing the Town Manager to enter into an agreement with: Ascent Environmental, Inc., to prepare an Environmental Impact Report (EIR), at the applicant's cost, for the Marinda Heights Subdivision (a.k.a. "Wall Property"); and Lamphier-Gregory to perform project management and coordination services for the EIR and overall project, at the applicant's cost.

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

M/S, Ackerman/Reed, Motion to continue item #16 to an upcoming meeting and continue items #5 and #15 to the Wednesday, July 15th Listening Session starting at 5:30 p.m.

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

Councilmember Coler asked the Council to explore some possible facilitators for the Listening Session.

15. Discuss/consider the formation of two Town committees: one to address issues of racial equity, social justice, systemic racial bias, and diversity and the other to explore Police practices public safety alternatives and funding and other related issues; schedule a community listening session; and provide direction to staff on the formation of the committee(s)- Town Manager

Mayor Goddard stated this item was continued to the July 15th Listening Session.

5. Adoption of a resolution Affirming that Black Lives Matter and Committing to Turn our intentions into Action- Mayor Goddard

Mayor Goddard stated this item was continued to the July 15th Listening Session.

16. Discuss the concept of holding two regular Council meetings per month and schedule a Special Council Meeting for further discussion- Town Manager

Mayor Goddard stated this item was continued to an upcoming Council meeting.

17. Receive report on the Town's Business Recovery Programs- Town Manager

Town Manager Toy presented the staff report. He discussed the issuance of Temporary Use Permits and Recovery/Relief Grants.

Council Reports and Comments

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

Councilmember Ackerman reported on the status of the Bus Shelter roof and how difficult it was to order the materials. Hopefully, the materials will arrive in two weeks and the roof will be raised!

Town Manager's Report

There was no report.

M/S, Goddard/Reed, Motion to adjourn the meeting at 12:12 a.m. in memory of Ms. Marie Dern, Ms. Juliet Simpson, and Mr. Glen Miller.

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

Respectfully submitted,

Toni DeFrancis,
Recording Secretary