

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, May 2, 2018

The Regular meeting was preceded by a Closed Session from 5:00 p.m. to 7:00 p.m.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: Fairfax Police Officers Association; SEIU Local 1021 (Fairfax non-management employees); and non-represented Management Employees

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques
John Reed

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Michael Vivrette, Finance Director
Roger Meagor, Ross Valley Fire Chief
Jason Weber, Marin County Fire Chief

Mayor Lacques called the Regular meeting to order at 7:09 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve the agenda and the affidavit of posting.

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

Announcement of Closed Session Action

Mayor Lacques announced there was nothing to report.

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. Councilmember Coler reported Fairfax had about 157 sign-ups for the Marin Clean Energy Deep Green Incentive Program. She stated it was Public Employee Recognition Week. Councilmember Goddard reported Sustainable Fairfax will be hosting a Youth in Action Film Night on Friday, May 11th.

Open Time

Ms. Mallory Geithem, Willow Avenue, asked the Town to ban the use of plastic drinking straws.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a brief update on the Commission's activities. The next meeting will be held on June 7th from 10:00 to 11:00 a.m. at

the San Geronimo Community Center. She discussed the activities of Age-Friendly Fairfax, and the importance of accessory dwelling units and junior accessory dwelling units for seniors.

Mr. Ross Asselstine, San Anselmo, discussed the County Public Works Department Budget. He stated a cost/benefit study should be done with respect to Flood Zone 9 projects. He stated \$35 million had been spent with no result.

Ms. Jane Richardson Mack, Madrone Road, speaking as a citizen and not a member of the Tree Committee, stated it was unfortunate that the two trees across from the Police Station were taken down without notice and process.

Ms. Lisel Blash, Pacheco Avenue, thanked the Council for all they have done in supporting housing affordability in a sustainable and focused manner. She encouraged them to support the creation of accessory dwelling units and junior second units.

Ms. Shelley Hamilton discussed privatization of the public education system, and requested the Council weigh in on this important community issue that lies at the heart of democracy.

Ms. Miriam Weinstein, Oak Tree Lane, referred to the Victory Village project and discussed the possibility of local preferences for Fairfax and Marin County residents.

Ms. Wendy Botwin, Fairfax, encouraged people to attend the Farmers Market. She supported a plastic straw ban, but on with exceptions for people with disabilities who relied on them.

Mr. Sierra Salin suggested an affordable housing fund could be created from the collection of ½ % to 1% fee from each home sale. There could be a higher fee for “flipped” sales.

Mr. Michael Mackintosh suggested the Council invite former Councilmembers and staff to discuss the changes they see in town. He supported being open to new ideas and approaches.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports March 2018- Finance Director
2. Approve minutes for the April 4, 2018 Town Council meeting- Town Clerk
3. Approve agreement with Fredric C. Divine Architects (FCDA) for geotechnical, structural engineering, archeological, and architectural services in an amount not to exceed \$45,000 for the preliminary foundation design for the Pavilion Seismic Retrofit project- Town Manager
4. Receive report on the schedule for the FY 2018-19 Proposed Operating and Capital Improvement Budget- Finance Director
5. Authorize Mayor to send letter in opposition to SB 828 (Wiener) which changes the Regional Housing Needs Assessment (“RHNA”) process to the detriment of cities and towns- Mayor Lacques

Councilmember Coler referred to item #5, and noted SB 828 had been changed to advisory so the tone of the letter might need to change. Mayor Lacques stated he would pull this item and place it at the end of the agenda for discussion.

M/S, Reed/Coler, Motion to approve the Consent Calendar with the removal of item #5 for discussion, and with revisions to the minutes as contained in the Supplement.

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

Regular Agenda

6. Discuss/consider Ross Valley Fire Department's (RVFD) consideration of the proposal from the Marin County Fire Department to serve as the RVFD Fire Chief- *Town Manager*

Town Manager Toy presented a staff report.

Ross Valley Fire Chief Roger Meagor and Marin County Fire Chief Jason Weber gave a PowerPoint presentation. They answered questions from the Council.

Mr. Michael Mackintosh stated he supported sharing resources between the different municipalities, rather than sharing a chief with the county.

Ms. Miriam Weinstein had questions about Ross Valley Fire's hiring practices.

A resident stated he had concerns about the Chief being answerable to both the Board of Supervisors and Ross Valley Fire Department during an extreme emergency.

Mr. Sierra Salin stated there would be more depth and experience with this bigger pool but he wondered about the actual cost savings. He supported vegetation management education.

Mr. Frank Egger, Meadow Way, stated that mutual aid is vital to fighting fires. He supported the shared services model.

Councilmember Reed and Mayor Lacques, as Fairfax representatives to the Ross Valley Fire Board, discussed Board's process in reaching unanimous agreement on the shared services model.

The Council reached consensus in support of the shared services model.

The Council took a 10-minute break at 8:55 p.m.

7. Discuss/consider potential ADA and parking lot improvements for the Parkade in downtown- *Town Manager*

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

Councilmembers Goddard and Reed reported on their meeting with Mr. Warren Karlenzig at the Parkade, to gather ideas on capturing rainwater runoff. Mr. Karlenzig had provided information on how to use of 15 of the trees' for "sinking" rainwater.

Ms. Jane Richardson, Madrone Road, stated the Parkade was the centerpiece of the Town, and did not require changes. She suggested the Town fix the sidewalks first.

Mr. Michael Mackintosh proposed lowering the Parkade on the Broadway side to create two parking levels. The upper level would be accessed from Sir Francis Drake Boulevard and the lower level would be accessed from Broadway, and could double as a flood detention basin.

Ms. Linn Walsh, Dominga Avenue, supported the rainwater catchment ideas, saving trees, and ADA improvements.

Mr. Sierra Salin stated the Parkade was not aesthetically pleasing. He suggested looking at diagonal parking on one side of the Parkade or on Broadway.

Ms. Wendy Botwin stated that all people were temporarily able-bodied, and never knew when they might need ADA. She stated universal design benefitted everybody.

Mr. Frank Egger, Meadow Way, stated the creation of the Parkade decades ago had been a community effort, with locals helping out. He supported maintaining the trees.

Ms. Mallory Geithem, Willow Avenue, agreed with everybody, and stated they need to agree on what could and could not be done within the budget, and which ADA improvements had to be done. She supported keeping what we have and fixing it.

Town Manager Toy stated that the Town was required to issue a Request for Proposals (RFP) for engineering services. He would break down the project into phases for more clarity. He would also report back to the Council regarding the current ramp.

Mayor Lacques noted the time and stated item #9 would be continued to the next meeting.

8. Direct the Planning Commission to discuss/consider reduction in maximum home sizes in Town- Councilmember Reed

Town Manager Toy presented a staff report. He and Town Attorney Coleson answered questions from the Council.

Mr. Michael Mackintosh supported the concept of limiting home size using the tools the Town already had, rather adopting a cap.

Ms. Shelley Hamilton, Canyon Road, stated there were provisions in the Town Code related to the mass of a house other than square footage which should be examined.

Ms. Mallory Geithem, Willow Avenue, stated a 3,500 square foot house was large enough.

The Council directed the Planning Commission to explore the concept of reducing the maximum allowable home size to 2500 to 3500 square feet.

9. Review/consider the Planning Commission's work program and priorities for Fiscal Year Year 2018/19- Planning Director

Mayor Lacques stated this item was continued.

10. Discuss/consider residents' petition regarding "a prescriptive right public easement on the former Wall Property"- Town Manager

Town Manager Toy presented a staff report.

Mr. Michael Mackintosh was opposed to the petition, noting that it punished a good resident for allowing neighbors on his/her land.

Mr. Frank Egger, Meadow Way, stated the issue was whether or not the public had established a prescriptive easement across the Wall property due to years of use. It would allow people to continue to use certain trails across the property.

Mr. Sierra Salin stated he walked through the property several times a week. He supported the petition.

Mr. Rich Applebaum stated the developer had previously discussed plans for hiking and biking trails on the property, implying that there would continue to be public access.

Ms. Jessica Green stated people have been using that property for along time and she wanted the public to be able to continue to use the trails. This is an opportunity for the Town.

It was the consensus of the Council to ask the Town Attorney to research this idea and report back.

11. Introduce and read by title only an Ordinance Amending Title 6 (“Animals”) of the Town Code to adopt by reference the recently amended Marin County animal control ordinance and revised fee schedule. Not subject to CEQA, CEQA Guidelines Sections 15060(c)(3), and 15061(b)(3)- Town Manager

Town Manager Toy presented a staff report.

There was no public comment.

M/S, Coler/Goddard, Motion to introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Adopting and Amending Sections 6.04.010, 6.04.020, 6.04.037, and 6.040.041 of the Fairfax Municipal Code to adopt by reference the Marin County Ordinance entitled Ordinance No. 3687, an Ordinance of the Marin County Board of Supervisors Amending Animal Control Ordinance, Chapter 8.04 of Title 8, and to adopt by reference the Marin County Ordinance entitled Ordinance No. 3688, an uncodified ordinance of the Marin County Board of Supervisors Establishing a Fee Schedule for services provided under County Code, Title 8, Chapter 8.04 and adopting penalties therefore.

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

12. Second reading by title only and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Section 2.08.010 (“Council Meetings”) of the Town Code to set by resolution from time to time the regular meeting dates so as not to conflict with holidays in the months of January and July; not subject to CEQA, CEQA Guidelines Sections 15060(c)(3), 15378, and 15061(b)(3)- Town Manager

Town Manager Toy presented a staff report.

There was no public comment.

M/S, Ackerman/Goddard, Motion to waive second reading and adopt an Ordinance of the Town Council of the Town of Fairfax Amending Section 2.08.010 (“Council Meetings”) of the Town Code to set by resolution from time to time the regular meeting dates so as not to conflict with holidays in the months of January and July.

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

5. Authorize Mayor to send letter in opposition to SB 828 (Wiener) which changes the Regional Housing Needs Assessment (“RHNA”) process to the detriment of cities and towns.

Mayor Lacques presented a report and discussed the amendment to the letter.

Mr. Michael Mackintosh, stated he opposed SB 828, and discussed the Regional Housing Needs Assessment (RHNA) numbers and the need for those to be updated.

It was the consensus of the Council that Mayor Lacques use his discretion in amending the letter.

Council Reports and Comments

Councilmember Ackerman reported he attended a Clean Tech Summit in San Rafael; a discussion about technology in the Women's Club; a Fire Wise meeting; a Climate Action Committee meeting; a Sustainable Fairfax meeting; an MCCMC Disaster Preparedness Committee meeting; an MCCMC Pension and OPEB Committee meeting; an MCCMC meeting; Take Back Day; a Flood Zone 9 informational meeting.

Councilmember Reed reported he attended two Ross Valley Fire Board meetings; a meeting about the Parkade; a Ross Valley School Board Subcommittee meeting regarding yellow school buses; a Volunteer Board meeting; an MCCMC meeting; a Transportation Authority of Marin (TAM) meeting.

Councilmember Coler reported she attended a Community Development Block Grant (CDBG) meeting; a Marin Clean Energy Executive Committee meeting; an MTA Board meeting; an Age Friendly Task Force meeting; an MCCMC Legislative Committee meeting; an MCCMC meeting; a Community Media Center of Marin Board meeting; served as a judge for the 4th year at the Margie Burk Speech Tournament for Marin County middle schoolers.

Councilmember Goddard reported she attended the monthly Chamber of Commerce meeting; a Climate Change workshop held by the Board of Supervisors; the yellow school bus meeting; a Safe Routes to Schools Task Force meeting; an ABAG Marin Delegates meeting; Take-Back Day;

Mayor Lacques reported he attended two Ross Valley Fire Board meetings; a Climate Action Committee meeting; participated in a conference call with Senator Mike McGuire requesting that he vote against SB 827 (he did); Take-Back Day.

Town Manager's Reports

Town Manager Toy stated there was nothing new to report.

Future Agenda Items

Councilmember Coler asked for a discussion on the new housing laws at the June meeting.

Councilmember Ackerman asked if the Council would like to discuss the issue of charter schools raised during open time. It was the consensus of the Council not to do so.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:56 p.m. in memory of Robert Ballestrazze
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary