

Fairfax Town Council Minutes
Regular Meeting
Via teleconference due to COVID-19
Wednesday, **January 20, 2021**

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

Call to Order/Roll Call:

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

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

Approval of Meeting Agenda and Affidavit of Posting

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

Announcement of January 12, 2021, Closed Session Action

Mayor Ackerman reported the Council gave direction to the Town Attorney.

Land Acknowledgement

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Councilmember Goddard discussed the hateful incident that happened in Town of November 24th. A forum sponsored by District Attorney Fragoli will be held on February 4th from 5:00 p.m. to 6:30 p.m. The Zoom link will be posted on the Town Website. Councilmember Hellman stated she would like the Council to discuss adopting an ordinance that allows for prosecution for posting hate symbols.

Open Time

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report on the Commission's activities. The next meeting will be held on February 4th and the subject will be "Climate Change and its Relationship to Social Justice and Public Health". The California Master Plan on Aging has been released.

Ms. Cindy Ross, Landsdale Avenue, stated the perfumes, odors, and chemical fragrances emitted by the laundromat across the street is negatively impacting her health. She requested the Council do something about it.

Ms. Mallory Geithem agreed with Ms. Ross that chemical fragrances harm people. She also stated she would like to be able to see the speakers at Zoom meetings.

Mr. Walt Vernon, representing the Climate Action Committee, gave an update on the Committee's activities, including the update of the Climate Action Plan.

Ms. Beth Verdekal stated the redwood trees on Town property need an irrigation system.

Ms. Debbie Ross, Toyon Road, requested a one-year extension of her Design Review Board approval, based on delays due to COVID-19. She noted that the City of Novato

Mr. Mike Dayem, Rocca Drive, discussed noise issues regarding the alarm bell at the Fairfax Theatre and a piano that is being played on Broadway.

A resident stated she had written to the District Attorney regarding the swastika incident in Fairfax, and requested the Council also send a letter to the D.A. insisting on accountability. She supported the comments made by Ms. Ross regarding chemical sensitivity.

Mr. Richard Applebaum stated he supported Ms. Ross's request regarding the laundromat.

Mr. Joe McGarry was concerned that there had been new hires, a promotion, and a pay increase in the Police Department, and that the reserve sergeant had been working. He suggested a monthly staffing report be posted on the website.

Holly agreed with the comments made by Mr. Dayem regarding noise.

Mr. Stephen LaDyne, Cascade Drive, stated the striping on Cascade Drive seems to be working. He was disturbed by the swastika issue and the lack of accountability.

Mr. Mark Bell stated the striping on Cascade Drive was unpopular with the neighbors and he would like an update and an accounting of the cost for the project. The Redwood trees in the park need to be irrigated. The Creek Bridge lights need new bulbs.

Minna stated she was unhappy with the Cascade Drive striping and would like more information.

Consent Calendar

1. Approve minutes for the Town Council meetings of October 7 and 28, and November 4 and 18, 2020- Town Clerk
2. Ratify the allocation of an additional \$30,000 to the Town's Residential Rental Assistance Program to assist extremely low-income renters whose household incomes were adversely affected by COVID-19- Town Manager
3. Receive update on the community process for renaming Sir Francis Drake Blvd. Town Manager
4. Authorize the extension of the deadline for employees to use the Federal COVID-19 Emergency Family Medical Leave to September 1, 2021- Town Manager

Councilmember Hellman requested the approval of the November 18, 2020 minutes be continued, pursuant to a request from the public to review his testimony.

Mayor Ackerman opened the Public Comment period.

Mr. Joe McGarry referred to item #2 and confirmed that Councilmember Coler had followed up with the County about outreach to Latinx families in Fairfax.

M/S, Goddard/Hellman, Motion to approve the Consent Calendar with the removal of the November 18, 2020 minutes.

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

Regular Agenda

5. Discuss/consider the Resident's Petition submitted per Town Code, regarding the establishment of a skate/scooter park on Town property and refer the matter to the Parks and Recreation Commission (PARC) for analysis and recommendation- Town Manager

Town Manager Toy presented the staff report.

Mr. Steven Tejeiro, representing the petitioners, gave a PowerPoint presentation, and requested the Town designate a space for immediate use on a trial basis.

Mayor Ackerman opened the meeting to public comments.

Mr. Theodore Hellman stated he has wanted a skate park for a long time. The one in San Anselmo can get very crowded. It is good exercise during the pandemic.

Mr. Steve Burdo, member of the San Anselmo Town Council, stated it is important to provide recreational opportunities for the youth in the community. He suggested partnering with the Town of San Anselmo for an improved Skate Park at Memorial Park.

Mr. Cass Morrison, local high school student, supported a skate park in Fairfax as a way to maintain mental and physical health during the pandemic.

Mr. Jonah Daley, local high school student, supported a skate park in Fairfax as place for kids of all ages to skate.

Ms. Charis Dennison, youth advocate and teacher, supported the teens and welcomed their input. There should be a space that is dedicated to youth.

Ms. Danielle Diaz, mother and teacher, agreed with the previous speakers and supported a skate park in Fairfax.

Mr. Tino Harris supported a skate park in Fairfax. It would be awesome.

Mr. Pato Harris, Corte Madera, stated he was part of group of kids who designed the skate park in Corte Madera. He supported a skate park in Fairfax and would be happy to help.

Mr. Thomas Dodsworth, Azalea Avenue, as a father and an emergency room nurse practitioner, supported a skate park for Fairfax because its benefits outweigh any risks.

Ms. Jenn Tripathy, Fairfax, stated the entire family supports the proposal for a skate park in Fairfax. They drive all over Marin to skate.

Robby and Sonny Tripathy stated skate parks are a great place to socialize after being on a computer all day.

Ms. Beth Verdekal agreed with everything that has been said.

Mr. Logan Burke supported the idea of a skate park. It is incredibly fun!

Mr. Jake Morrison supported the idea of a skate park. Skating is a supportive community.

Mr. Dustin Liebman, PARC Commissioner speaking as a resident, supported the idea of a skate park in Fairfax. Skate parks are inclusive for all ages and genders.

Ms. Kelsey Fernandez and Mr. Luke Fernandez agreed with all of the previous comments. Skating was creative and fun.

Mr. Pete Gubbins supported the idea of a skate park in Fairfax He stated youth should be a part of the process.

Linna M. stated skating was an important outlet for kids, and she noted that transportation was tough for younger people.

Mr. Mariah Quirie supported the idea of a skate park in Fairfax.

Mr. Will Hutchinson, owner of Proof Lab in Mill Valley, supported the idea of a skate park and offered his help. He had been involved in the creation of other skateparks in Marin.

Mr. Richard Applebaum supported the youth who have articulated the need for a skate park.

Mr. Mark Dailey stated the Memorial Skate Park is always crowded; more parks are needed.

Ms. Valerie Fowler stated she noticed a sense of calm in her son after he skates.

Ms. Deborah Benson stated she supported sports but was concerned where this park would be located. She supported partnering with San Anselmo.

Mr. Cooper Carol supported the idea of a skate park, and it was a good alternative to spending so much time online for school and entertainment.

Mr. Dashiell Wagner supported the idea of a skate park in Fairfax.

Ms. Mallory Geitheim agreed with everyone and requested a dog park in addition to the skate park.

Mr. Brad Clark, Claus Circle, supported the idea and stated it would add value to the Town.

Atticus, San Geronimo Valley, stated there are not many places for skating and they need a place to skate.

Mayor Ackerman closed the meeting to public comments.

Councilmember Hellman was concerned about the Parks and Recreation Commission moving quickly on the skatepark. She noted the presentation included a temporary park - a 60-day pilot program - at the basketball courts. They anticipate concern around noise. She wants to partner with the Parks and Recreation Commission for a permanent solution.

Councilmember Coler noted the agenda and staff report did not mention the pilot program, and therefore the Council could not vote on that.

Town Attorney Coleson agreed with Councilmember Coler, stating any action taken by the Council has to be stated on the agenda.

Town Manager Toy stated the petition asks only that the Council to approve the effort and dedicate Town space for a skate park. If the Council likes the idea of a pilot program, they can ask staff to come back with how that would work. He noted there should be community input from the neighborhoods. The Parks and Recreation Commission will need some time to do its analysis for a permanent location.

Councilmember Hellman added that the petitioners have been meeting for several months and have the materials and the location for the temporary site.

Councilmember Goddard asked about leasing private property. Town Manager Toy noted a market rate lease could be expensive and indemnification would be an issue.

The Council discussed moving forward on both a temporary and permanent location. They were appreciative of the group's effort, especially the youth involvement.

M/s, Coler/Cutrano, Motion that the Council form an ad hoc subcommittee consisting of Councilmember Cutrano and Vice Mayor Hellman to work with the petitioners' group to develop the concept of how the trial skate park would work. The Parks and Recreation Commission will discuss the issue of a long-term analysis. The goal for the Council is to take action at the February 17th meeting. Notification of the neighbors would take place.

Ayes: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman
(Through a roll call vote)

M/s, Coler/Goddard, Motion to continue item #6 to the next meeting. It will be placed at the beginning of the agenda.

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

The Council took a 5-minute break at 10:50 p.m.

6. Discuss/consider the concept of forming a Community Emergency/Disaster Preparedness Committee and appoint an Ad-Hoc Council Subcommittee to develop a recommendation for the Committee's role and structure (continued from December 2 and 16, 2020 meetings)- Town Manager

Mayor Ackerman stated this item was continued to the next meeting.

7. Introduce an Ordinance Amending Section 8.36.030 ("Tree Advisory Committee") of the Town Code to set terms for at-large members by resolution; categorically exempt from CEQA (continued from December 16, 2020 meeting)- Town Manager

Town Manager Toy presented a staff report.

Mayor Ackerman opened the meeting to public comments.

There were no comments.

Mayor Ackerman closed the meeting to public comments.

Councilmember Goddard suggested the at-large individual who is serving in lieu of a Council/Commission member have an established term.

Councilmember Coler stated she would like to keep it the way it is to gain expertise from the 3 committees.

Town Manager Toy stated the at-large member could be given six-month's notice, and that staff would submit a resolution amending the process for the Tree Advisory Committee at an upcoming meeting.

M/S, Coler/Goddard, Motion to Introduce and waive first reading and read by title only an Ordinance Amending Chapter 8.36.030 ("Tree Advisory Committee") of the Town Code to Set Terms for At-Large Members By Resolution, with direction to staff to add the concept of a six-month waiting period before a new member comes on.

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

8. Make Council Board and Committee Assignments for 2021- Town Clerk

Town Clerk Gardner presented a staff report.

Councilmember Goddard asked if there was a Council liaison to the Volunteer Committee. Town Clerk Gardner stated "no". Councilmember Goddard discussed the Neighborhood Safety Liaison assignment.

Councilmember Coler stated the Local Currency Steering Committee assignment should be deleted. She noted Pedestrian Trails Committee assignment should be added to her list.

Councilmember Hellman had a question about the Measure K Oversight Committee. Councilmember Coler asked if this could be deleted. Town Manager Toy stated "no".

Mayor Ackerman stated the MCCMC Climate Change Committee should be added to Councilmember Hellman's list and to his list as the alternate. The MCCMC Disaster Preparedness Committee and the MCCMC Pension and OPEB Committee can be deleted.

Councilmember Goddard had a question about the Marin Telecommunications Agency (MTA)/CMCM assignment since the MTA disbanded. Councilmember Coler stated it was taken over by Marin General Services Agency (MGSA). She has been reappointed.

Mayor Ackerman opened the meeting to public comments

Mr. Richard Applebaum stated there should be a process for these assignments and each Councilmember should consider giving up one assignment per year.

Mayor Ackerman closed the meeting to public comments.

M/S, Coler/Goddard, Motion to approve the Board and Committee Assignments for 2021 with the following changes: Mayor Ackerman shall take on the Cascade Drive Striping Committee assignment, and the alternate on the MCCMC Climate Action Committee: Councilmember Hellman shall take on the Ross Valley Fire Department Board assignment, the Pedestrian Trail Committee assignment, and the MCCMC Economic Recovery assignment (add to list); Councilmember Coler shall keep her assignments and be assigned to the Measure K Oversight

Committee; Councilmember Cutrano shall take on the Transportation Authority of Marin (TAM) assignment, the MCCMC Homeless Subcommittee assignment, the Neighborhood Safety Liaison assignment, the Open Space Committee Liaison assignment, and the Ross Valley Fire Department, Ross Valley Paramedic Authority, Ross Valley Yellow School Bus, Safe Routes to Schools, Flood Zone 9 alternate assignments; Councilmember Goddard will take on the Ross Valley Paramedic Authority assignment, the MCCMC Economic Recovery assignment (add to list), and the Ross Valley School Board alternate assignment. The following committees shall be deleted: MCCMC Disaster Preparedness Committee, the MCCMC Pension and OPEB Committee, and the Local Currency Steering Committee.

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

PUBLIC HEARING

9. 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 February 3, 2021 Town Council Meeting

Mayor Ackerman stated this item was continued to the February 3, 2021 meeting.

Council Reports and Comments

Councilmember Hellman stated they need to call a Special Meeting for RESJ soon.

Town Manager's Report

There was no report.

M/S, Coler/Cutrano, Motion to adjourn the meeting at 12:20 a.m. in memory of Ms. Georgia Anker.

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

Respectfully submitted,

Toni DeFrancis,
Recording Secretary