

draft  
Fairfax Town Council Minutes  
Special Meeting  
Via teleconference due to COVID-19  
Wednesday, **December 16, 2020**

Mayor Ackerman called the Special meeting to order at 6:30 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

Approval of Regular Meeting Agenda and Affidavit of Posting

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

Approval of Special Meeting Agenda and Affidavit of Posting

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

Land Acknowledgement

Announcements

Councilmember Goddard announced that Mr. Doug Clark, a nurse from Fairfax, was the first to receive the vaccine in Marin County. She thanked him for his service.

Councilmember Cutrano announced the Open Space Committee is selling calendars and 100% of the proceeds will go to open space acquisition.

Interviews and Appointments

1. Interview applicants for the Measure F Oversight Committee, Parks and Recreation Commission, and Volunteer Board; make appointments as appropriate  
Town Clerk

The Council interviewed Mr. Joe McGarry, Ms. Ruth Todd, and Ms. Cindy Swift for the Measure F Oversight Committee.

The Council interviewed Mr. Dustin Liebman for the Parks and Recreation Commission

The Council interviewed Mr. Sam Silverstein for the Volunteer Board.

Mayor Ackerman opened the meeting to public comments.

Ms. Valerie Hood stated she liked the ideas proposed for kids by applicant Dustin Liebman.

Ms. Barbara Petty, former Town Treasurer, Ms. Mimi Newton, Ms. Debra Benson, and Ms. Jane Richardson supported Ms. Cindy Swift for the Measure F Oversight Committee.

Mr. Stephen Keese, Ms. Pamela Meigs, Ms. Veronica Geretz, Mr. Elias Karkai, and Mr. Brian Poindexter, supported Mr. Joe McGarry for the Measure F Oversight Committee.

Mr. Richard Applebaum opposed the appointment of supported Mr. Joe McGarry to the Measure F Oversight Committee.

Mayor Ackerman closed the meeting to public comments.

M/S, Coler/Hellman, Motion to appoint Ms. Cindy Swift and Mr. Joe McGarry to the Measure F Oversight Committee.

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

M/S, Goddard/Hellman, Motion to appoint Mr. Dustin Liebman to the Parks and Recreation Commission.

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

M/S, Hellman/Cutrano, Motion to appoint Mr. Sam Silverstein to the Volunteer Board.

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

#### Consent Calendar

2. Receive Update Report on the Racial Equity and Social Justice Committee- Town Manager, Council Subcommittee
3. Receive report on data collected to evaluate the 6-month pilot program of 2 Council Meetings per month and provide direction to staff- Town Manager
4. Adopt a Resolution Opposing Hateful Acts and All Manifestations of White Supremacy, Racism, and Bigotry- Councilmember Goddard

Councilmember Goddard read aloud the Resolution in item #4.

Councilmember Hellman gave a verbal report on item #2.

Mayor Ackerman opened the meeting to public comments.

Mr. Chris Kenton, Cascade Drive, referred to item #4 and stated this was a nationwide campaign, not an isolated local incident.

Mayor Ackerman closed the meeting to public comments.

Councilmember Coler referred to the resolution and stated she was concerned with some of the text since it could support behavior that could lead to unforeseen circumstances that could endanger individuals.

M/S, Cutrano/Coler, Motion to approve the Consent Calendar as submitted.

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

### Public Hearings

5. Adopt a Resolution approving a 4.73% rate increase for Solid Waste Services provided by Marin Sanitary Service to be effective January 1, 2021- Town Manager

Town Manager Toy presented the staff report.

Mr. Garth Shultz, representing R3 Consulting Group, reported on the independent rate review and made a PowerPoint presentation that included the following: 1) Marin Sanitary Service (MSS) 2021 Rates; 2) Rate Setting Methodology; 3) 2021 MSS Rate Adjustment; 4) Factors Affecting Rates; 5) Prior MSS Rate Adjustments; 6) Marin Rate Survey; 7) Q&A.

Councilmember Hellman had a question about the 7.56% projected change for Fairfax and the projected decline for other jurisdictions. Mr. Schultz noted this referred to tonnages and not costs. He noted the Town's Chipper Days were included in the number.

Councilmember Coler had a question about the new rate setting methodology and whether or not it was used in 2020.

Mayor Ackerman stated he received an email from a resident asking the Council to put off the rate increase due to the effects of the pandemic.

In response to a question by Councilmember Hellman, Mr. Schultz stated MSS had low-income discounts in their rate structure.

Councilmember Hellman was concerned about the annual rate increases, and specifically how the current increase was justified.

Councilmember Cutrano stated the supplement was very helpful as it broke down the increase according to the tonnage, Consumer Price Index (CPI), and fees. He asked about the effects of AB 1826. He asked if it was typical for the increase to be spread equally across all users and types of collection.

Mayor Ackerman opened the Public Hearing.

Ms. Diana Purdue objected to the rate increase, stating MSS plans to reduce service and the recycling of green waste. There have been generous increases on a regular basis.

Ms. Veronica Geretz asked if MSS could develop an industrial composter. She asked MSS to provide more clarity on composting.

Ms. Pamela Meigs stated rates are painful but at times necessary, but was concerned about the amount of the proposed increase. She asked for creative solutions.

Mr. Richard Applebaum asked for a layman's translation of the information. He agreed with the need for creative solutions.

Ms. Valerie Hood agreed with the comments made by Ms. Perdue and Ms. Meigs. She would like to know how many other agencies plan to increase rates, and information on composting on a neighborhood basis.

Ms. Patti Garbarino, President of MSS, warned against creating individual, open air composting sites in neighborhoods since those contribute to greenhouse gases. She briefly discussed SB 1383.

Ms. Mallory Geithem understood both sides. She asked if there could be an every-other-week pickup option.

Mr. Mark Bell stated there had been annual increases for several years, and last year he asked if the contract could be put out to bid. He thought this was a 30% increase.

Ms. Garbarino, MSS, addressed some of the comments made by the public.

Mayor Ackerman closed the Public Hearing.

Councilmember Coler acknowledged it was a difficult year for everyone due to the pandemic. MSS provided a good service and has shown leadership in this industry over the years. She supported adoption of the resolution.

Councilmember Hellman would like to continue this item until they have the specific data with respect to tonnage. She asked why Fairfax rates differed from San Anselmo's, stating comparative data on all of the jurisdictions would be helpful.

Councilmember Cutrano understood the public's frustration about the increase and acknowledged the uneven annual increases. He stated the proposal and logic of the process made sense. He asked staff about the "other agency fees". He supported changing the incentive structures for environmental purposes.

Councilmember Goddard discussed the spikes over the years and was in favor of adopting the new methodology. She thanked MSS for improving its programs year after year. She was confident in the work of R3 Consulting and MSS.

Mayor Ackerman asked Mr. Schultz to provide a summary each year to better inform the public. He did not support a continuation of the item.

M/S, Goddard/Coler, Motion to Adopt a Resolution approving a 4.73% rate increase for Solid Waste Services provided by Marin Sanitary Service to be effective January 1, 2021.

AYES: Coler, Cutrano, Goddard, Mayor Ackerman

NOES: Hellman

The Council took a 5-minute break at 9:55 p.m.

6. This item has been continued to the January 20, 2021 Town Council Meeting- 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. 002-151-32; Residential Single-family RS-6 Zone; Verle and Marlene Sorgen, appellants/owners' CEQA categorically exempt per Section 15301(e)(2)(1)- Principal Planner

Mayor Ackerman stated this item had been continued to the January 20, 2021 Council meeting.

Councilmember Cutrano asked if item #9 could be heard next.

Councilmember Coler suggested continuing item #10 to the January meeting.

M/S, Cutrano/Goddard, Motion to move item #9 in front of #7 and #8 and re-evaluate the rest of the agenda after item #9 is concluded.

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

### Regular Agenda

#### 9. Begin the process to discuss the concept of renaming Sir Francis Drake Boulevard- Town Manager

Town Manager Toy presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Lauren Brown, Belle Agrelius, Ms. Veronica Geretz, Ms. Samantha Ramirez, and Mr. Jesse Lumb supported the name change and encouraged solidarity with the Miwok Tribal Council.

Mr. Scott Chapman opposed the renaming of Sir Francis Drake Boulevard and Sir Francis Drake High School. He suggested a poll that to gather wide-spread public opinion.

Mr. Richard Applebaum stated if the name was offensive to people, it should be changed.

Ms. Jane Richardson Mack objected to removing the name from any roads or buildings. It did not take into account the whole man and his entire life. The Miwok Tribe could be honored in other ways.

Mr. Michael Ardito, Pacheco Avenue, opposed the renaming, and discussed the genesis of renaming the road, and the life of Sir Francis Drake.

Mr. Jason Deschler, member of the Coast Miwok Tribal Council of Marin, stated history was being changed and he encouraged the Town Council to move forward. Keeping the name was keeping a conquering mentality over his people.

Mr. Fred Codoni stated renaming the street was part of an effort to hide history, rather than learn from it.

Ms. Stephanie Burns supported voting on the issue. The Miwok Tribe should be included in this discussion. She supported renaming the street.

Ms. Valerie Hood agreed with the comments made by Mr. Codoni and Mr. Deschler. She was concerned about the effect of renaming the street on the residents who currently live on it.

Sean stated there were people who want to conserve the past and people who are trying to change it. A compromise might be to leave portions of the road as is and let the tribe rename other portions.

Mr. Dean Hoglan agreed with the comments made by Mr. Deschler. The history and voice of his ancestors had been erased.

Mr. John Romaidis stated nobody owned the land; we are just here. There is a lot of pain and this was a good listening session.

Ms. Deborah Benson stated this presented an opportunity for a dialogue between the two factions.

Mr. Joe McGarry stated he was frustrated by the difficulty and reluctance that people have to consider other voices. He supported the name change.

Ms. Zianah Monroe stated the changing the name would create a gateway between the Town and the original people. She would like to see a forum with the Coast Miwok.

Ms. Naomi Alessandra supported changing the name of the street. There are names that are hurtful to others.

Ms. Mallory Geitheim stated the respect she is hearing is encouraging

Mr. Mark Bell stated the Spanish destroyed the native culture in America and he asked if all the Spanish names should be changed.

Ms. Diana Perdue did not agree with changing the name, but supported every household getting a vote.

Mayor Ackerman closed the meeting to public comments.

Councilmember Goddard stated the Council should discuss a process so they can report back to the County working group in March on whether Fairfax wants a name change. She would like to schedule a learning/listening session and an educational session.

Councilmember Coler suggested scheduling a special meeting on a Saturday to focus on this topic. Mayor Ackerman agreed.

Councilmember Goddard stated that could be a separate session. Councilmember Cutrano agreed and asked that all available educational resources be posted on the Town website.

Councilmember Coler suggested scheduling a Saturday listening session to include Miwok representatives along with representatives of the historic group. This would be followed by another Saturday listening session, probably in February, with the Council deciding on the next steps. A few more meetings might be necessary. The Council would attend all these sessions.

Town Manager Toy asked two Councilmembers to serve on an ad hoc subcommittee to help with posting the resource information and deciding on who would be included in the community panel discussion. Councilmembers Goddard and Cutrano volunteered to serve on the ad hoc subcommittee.

M/S, Hellman/Goddard, Motion to hear item #8 continue items #7 and #10.

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

7. Discuss concept of forming a Community Emergency/Disaster Preparedness Committee (continued from December 2, 2020 meeting).

Mayor Ackerman stated this item was continued to the January Council meeting.

8. Receive update on the Town's Residential Rental Assistance Program to assist extremely low-income renters whose household incomes were adversely affected by COVID-19 and who are at risk of homelessness and direct staff as needed- Town Manager

Town Manager Toy presented the staff report.

Councilmember Coler clarified the County's program is different from the Town's and consisted of three pots of money- San Rafael, Novato, and other areas. She did not want to wait until January to move forward on Fairfax's program. She suggested adding \$28,000 to \$17,000 they have left in the program.

Mayor Ackerman opened the meeting to public comments.

Ms. Lisel Blash stated a deeper rather than broader program might be more useful.

Mr. Joe McGarry was concerned about the racial makeup of the recipients, and suggested partnering with the Canal Alliance or Multi-Cultural Marin.

Mayor Ackerman closed the meeting to public comments.

Councilmember Coler stated the County is working with the Canal Alliance and another group and she could ask the Social Equity Coordinator with the County about the needs of Fairfax.

Councilmember Goddard agreed with the suggestion to go deeper and not wider.

M/S, Cutrano/Hellman, Motion to direct staff to modify the program by adding an additional month's assistance. Staff will come back in January with ratification of the additional funding that would be provided to the Town's Residential Rental Assistance Program

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

10. 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- Town Manager

Mayor Ackerman stated this item was continued to the January Council meeting.

#### Town Manager's Report

There was no report.

#### Future Agenda Items

There were none.

M/S, Coler/Cutrano, Motion to adjourn the meeting at 12:11 a.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary