

Fairfax Town Council Minutes  
**Wednesday, April 7, 2021**  
Special Meeting for a Closed Session  
Special Meeting to Conduct Interview  
Regular Meeting  
Via teleconference due to COVID-19

Mayor Ackerman called the **Special Meeting for a Closed Session** to order at 5:45 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman, Mayor  
Stephanie Hellman, Vice Mayor  
Barbara Coler  
Chance Cutrano  
Renee Goddard

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney

There were no public comments on the closed session matter.

The Mayor adjourned the meeting to Closed Session on the following matter:

Conference with Legal Counsel - Anticipated Litigation  
Government Code Section 54956.9(d)(2) & (e)(1): Two cases

Mayor Ackerman called the **Special Meeting to Conduct Interview** to order at 6:40 p.m.

Call to Order/Roll Call: Special Meeting

**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

1. Interview and discuss/consider appointment of applicant to the Fairfax Open Space Committee- Town Clerk

The Council interviewed Diego Gonzalez for the Open Space Committee.

Mayor Ackerman opened public comment.

Open Space Committee members Jack Judkins and Michael Ardito supported the appointment of Diego Gonzalez.

Mayor Ackerman closed public comment.

M/s, Cutrano/Coler, Motion to appoint Diego Gonzalez to the Open Space Committee.  
AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman (through a roll call vote)  
Call to Order/Roll Call: **Regular Meeting**

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

Approval of Agenda and Affidavit of Posting

M/s, Goddard/Coler, Motion to approve the Agenda and Affidavit of Posting.  
AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

Announcement of Closed Session Action

Mayor Ackerman announced there was nothing to report.

Open Time for Public Expression

Diana Perdue opposed the Land Acknowledgement statement contained on agendas.

Pamela Meigs supported double line striping on Cascade Drive.

George Taylor, Chair, Fairfax Volunteer Board, reported on their projects and activities.

Deborah Benson supported the comments made by Diana Perdue and Pamela Meigs.

Ling Shien Bell supported fiber optic and opposed the loud music in the Mono parking lot.

Mark Bell supported the comments by Diana Perdue and was concerned that the Racial Equity and Social Justice Committee's expenditures were disproportionate to their accomplishments.

Ellie and Jess Lerner supported the land acknowledgement and the RESJ Committee.

Mallory Geitheim thanked staff for clearing the path between Willow and Maple Avenues.

Presentations

1. Receive presentation from the MMWD regarding drought conditions- Marin Municipal Water District

MMWD Director Larry Bragman introduced Carrie Pollard, MMWD Conservation and Water Efficiency Manager, who gave a PowerPoint presentation and answered questions from the Council. MMWD recommended the Town postpone planting trees due to the drought.

There were no public comments.

2. Receive presentation on Age Friendly 5-Year Progress Report- Age Friendly Fairfax

Dr. Jody Timms, Fairfax representative to the Marin Commission on Aging, gave a PowerPoint presentation.

There were no public comments.

3. Receive presentation on new state housing laws, an overview of the Housing Element, and Key Housing Element (HE) requirements including Regional Housing Needs Allocations (RHNA)- Town Manager, Planning Director

Town Manager Toy presented a brief staff report.

Isaac Rosen, Assistant Town Attorney, gave a PowerPoint presentation and answered questions from the Council.

Planning Director Berto gave a PowerPoint presentation on the Town's RHNA numbers and answered questions from the Council regarding carryovers, AB 725, the RHNA schedule, opportunities for appeal, update of the Safety Element, impact of "high fire threat" zones.

Mayor Ackerman opened the meeting to public comments.

Richard Applebaum had a question about legal actions on RHNA numbers.

Frank Egger supported a legal challenge to the housing laws.

Deborah Benson agreed with the comments of the previous speaker.

Beth Verdekal supported the creation of more housing.

Mayor Ackerman closed public comment and noted the Council will hold a joint meeting with the Planning Commission on April 21<sup>st</sup>.

#### Consent Calendar

4. Receive Financial Statement and Disbursement Reports January 2021- Finance Director
5. Receive Financial Statement and Disbursement Reports February 2021- Finance Director
6. Receive written report on Councilmembers' assignments, committee, and activities in March- Town Clerk
7. Approve minutes for the Town Council meetings of February 3 and 17, 2021- Town Clerk
8. Receive Marin Sanitary Service 2020 Annual Report- Town Manager
9. Adopt Fair Housing Proclamation- Mayor Ackerman
10. Receive Age Friendly 5-Year Progress Report- Town Manager
11. Authorize the Town Manager to contract with EMC Planning Group for services to prepare the state mandated update to the Fairfax General Plan Housing Element, related updates to the Safety Element and Land Use Element, and the required environmental review of the various elements- Town Manager, Planning Director
12. Authorize the Town Manager to contract with Oberkamper & Associates Civil Engineer, Inc. In an amount not to exceed \$50,000 to design Sir Francis Drake/Azalea Avenue crosswalk Intersection project- Town Manager
13. Receive update on Police Chief interview process- Town Manager
14. Adopt a Resolution Endorsing the Overarching Goals and Concepts of the Climate Safe California Platform and Calling for Action by the State of California- Town Manager
15. Adopt Town Council Goals for 2021- Town Manager
16. 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-

Town Manager

17. Authorize the Mayor to send a letter in opposition to SB 556 (Dodd) "Street Light Poles, Traffic Signal Poles, Utility Poles, and Support Structures: Attachments"- Town Manager
18. Approve proposed development by the Town Council's Ad-Hoc Subcommittee for forming a Community Emergency Preparedness Committee- Town Manager
19. Appoint the youth RESJ member as a regular Racial Equity and Social Justice (RESJ) Committee member- Town Manager

The Mayor asked the Council if there were any items they would like removed from Consent, and reviewed the agenda pursuant to the 10:00 rule.

M/s, Goddard/Coler, Motion to remove Item # 11 from Consent and place it first on the Regular Agenda for discussion, and to continue Item #23 to a future meeting.

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

Mayor Ackerman opened the meeting to public comments.

Jess Lerner supported item #17.

Frank Egger and Deborah Benson referred to item #13 and urged the Council to move forward.

M/s, Coler/Goddard, Motion to approve the Consent Calendar with the removal of item #11 and to put it as the first item on the Regular Agenda.

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

The Council took a 10-minute break at 9:52 p.m.

Regular Agenda

11. Authorize the Town Manager to contract with EMC Planning Group for services to prepare the state mandated update to the Fairfax General Plan Housing Element, related updates to the Safety Element and Land Use Element, and the required environmental review of the various elements- Town Manager, Planning Director

Town Manager Toy presented the staff report.

Planning Director Berto presented a report and discussed the two options in the EMC proposal. He answered questions from the Council and introduced Richard James and Ande Flower, with EMC Planning Group.

Mayor Ackerman opened the meeting to public comments.

Frank Egger was concerned that only one consultant application was received.

Richard Applebaum, Mallory Geitheim, Ling Shien Bell, and Deborah Benson supported the Town challenging the RHNA numbers.

Mimi Newton, speaking as a resident not a Planning Commissioner, supported hiring EMC. Rick Hamer stated the consultant should explain why the RHNA numbers were infeasible.

Pamela Meigs supported hiring EMC.

The Mayor closed public comment.

M/s, Coler/Cutrano, Motion to authorize the Town Manager to contract with EMC Planning Group to update the Town General Plan Housing Element and related elements for an initial total cost of approximately \$250,000 which includes an Initial Study, Mitigated Negative Declaration, with the ability to authorize the preparation of an Environmental Impact Report if required, for a total not to exceed a contract amount of \$413,000.

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

20. Receive report from the Council representatives to the Marin County Sir Francis Drake Ad-Hoc Working Group regarding the concept of renaming Sir Francis Drake Blvd. and provide direction as appropriate- Mayor Ackerman, Councilmember Goddard

Town Manager Toy presented the staff report.

Councilmember Goddard, member of the Ad Hoc Working Group, read a statement about the status of the process. She answered questions about the public safety considerations about co-naming the road and the interplay between the Graton Rancheria Tribe and the Coast Miwok Tribal Council.

Mayor Ackerman opened the meeting to public comments.

Naomi Alessandra and Veronica Geretz supported the process.

Michael Ardito supported listening to the businesses and residents along the boulevard and expressed concern regarding the transparency of the ad hoc working group.

Frank Egger read a petition from business owners and residents located on the boulevard asking to keep the name of Sir Francis Drake.

Richard Applebaum supported the name change and the Town's position.

Mallory Geitheim disagreed with the previous speaker and supported co-naming.

Councilmember Goddard noted this issue will come back to the Council for discussion.

M/s, Goddard/Coler, Motion to waive the 11:30 p.m. rule to hear Items 21 and 23.

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

21. Discuss/consider the Resident's Petition submitted per Town Code requesting the use of the ballfield as a dog park and refer the matter to Parks and Recreation Commission for recommendation- Town Manager

Town Manager Toy presented the staff report. He noted that West Marin Little League (WMLL) did not support the idea, and that Town Code does not permit dogs on the ballfield. In response to questions from Council, Mr. Toy stated that West Marin Little League pays the Town \$3800 per year for their use of the ballfield, which covers approximately one-half of the water and fees. WMLL also does some maintenance. A Public Works staff member spends 40% of his time maintaining the ball field.

Mayor Ackerman opened the public comment.

Jason Minkler, circulator of the petition, spoke in support of the petition. He stated that the dog would only be allowed in the park when Little League was not present.

Max Clifford, representing West Marin Little League, was opposed to using the ballfield as a dog park.

Pam Meigs and Rick Hamer stated the two uses were not compatible.

Mallory Geithem agreed the two uses were not compatible and supported the ball field becoming a dog park.

Scott Levy, West Marin Little League scheduler, stated the field is used by Little League between 120 and 135 days a year.

Deborah Benson suggested using the area next to the field as a dog park.

Rick opposed the combined use of the ballfield, but supported idea of a dog park in Fairfax.

Lisa Peers stated Fairfax needed a dog park.

Richard Applebaum suggested the field in Deer Park for a dog park.

M/s, Coler/Goddard, Motion to direct staff to work with Councilmember Goddard to evaluate the area behind the ballfield fence before sending this to the Parks and Recreation Commission for further analysis.

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

22. Authorize the Town Manager to increase the agreement with OLAS Performance by \$22,707 to provide additional facilitation services for the Racial Equity and Social Justice Committee and Police Practices and Public Safety Alternatives Subcommittee- Town Manager

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

Mayor Ackerman and Vice Mayor Hellman, Council representatives to the RESJ, stated the RESJ had required facilitation due to the delicate nature of their work.

The Council agreed that any additional expenditures must first be approved by them.

Mayor Ackerman opened the meeting to public comments.

Cindy Handsher stated the members could run the meetings without the facilitator.

Richard Applebaum was concerned about the contract oversight.

Veronica Geretz and Alexandra supported Option #2 in the staff report.

Naomi Alessandra supported Option #2 in the staff report.

Deborah Benson opposed the additional expenditure and additional facilitation services, and was concerned about the contract oversight.

Mark Bell agreed with the previous speaker.

Alexandra, RESJ member, supported Option #2 in the staff report, and would use the added time to transition to not having the facilitator.

M/s, Coler/Cutrano, Motion to authorize the Town Manager to increase the agreement with OLAS Performance by \$22,707 to provide additional facilitation services for the Racial Equity and Social Justice Committee and the Police Practices and Public Safety Alternatives Subcommittee. The overall contract will increase by \$22,707 from \$40,000 to a revised "not to exceed" amount of \$62,707.

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

23. Consider request from the CAC to adopt an all-electric requirement for all new construction and direct staff as appropriate- Town Manager

Mayor Ackerman stated this item was continued.

Public Hearing

24. This item has been continued to the May 5, 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 has been continued to the May 5, 2021 Council meeting.

Council Reports and Comments

Mayor Ackerman noted written reports were in the packet.

Town Manager's Report

There was no report.

Future Agenda Items

The Council reached consensus that a presentation from the County regarding their bridges project in the Elliott Nature Preserve be added to a future agenda.

M/s, Coler/Cutrano, Motion to adjourn the meeting at 1:20 a.m. in memory of Jimmy "Fishbob" Geraghty and Jacqueline Lucille Ghiringhelli.

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

Respectfully submitted,

Michele Gardner  
Town Clerk