

Fairfax Town Council Minutes
Regular Meeting
Via teleconference due to COVID-19
Wednesday, **March 3, 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

Approval of Meeting Agenda and Affidavit of Posting

M/S, Goddard/Coler, Motion to approve the Affidavit of Posting and the agenda with the continuation of item #16 to the April 7th meeting and placing the Councilmember Reports before Open Time.

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

Councilmember Reports

Councilmember Hellman recognized the individuals who volunteered on the coronavirus community task force.

Open Time

Deborah Benson discussed protocols for Zoom meetings.

Larry Bragman, Director for the Marin Water District, discussed the Drought Awareness Resolution recently passed by the district.

Jason Minkler requested a dog park at Contratti Field.

Brian Poindexter discussed police unions and the labor movement.

Veronica Geretz announced a "Community Sit" for the Spring Equinox.

George (Geo) Taylor discussed the Fairfax Food Pantry.

Cindy Ross stated the laundromat is off gassing across the street from her home.

Julia Ledyard announced a free film titled "Seven Acres in Chicago" and panel discussion.

Joe McGarry stated the Police Department was getting raises.

Consent Calendar

1. Receive Financial Statement and Disbursement Reports September-December 2020- Finance Director
2. Receive written report on Councilmembers' assignments, committees, and activities in February- Town Manager
3. Approve minutes for the Town Council meeting of January 20, 2021- Town Clerk
4. Reappoint Mimi Newton to another term on the Planning Commission- Town Clerk
5. Authorize Mayor to send letter to Senator Mike McGuire opposing SB 9 (Atkins) "Increased Density in Single-Family Zones"- Town Manager
6. Second reading by title only and adoption of an Ordinance Adding Section 15.040.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations, which readopts (with minor revisions) the previous Town Code Section 15.04.065; Class 3 CEQA Categorical Exemption- Planning Director, Town Manager
7. Second reading by title only and adoption of an Ordinance Adding Sections 10.28.020, "Designated Skate Park Area" and 10.28.030, "Safety Equipment", to Chapter 10.28 of the Fairfax Municipal Code, entitled "Skateboards", Setting Forth Procedures for Authorizing a Portion of the Pavilion/Bank Street Public Parking Lot as a Skating Facility and Requiring Use of Safety Equipment. Categorically Exemption from CEQA under CEQA guidelines per Section 15303 (Class 3)- Town Manager
8. Adopt a resolution designating the western portion of the Pavilion/Bank Street parking for use as a temporary skate/scooter park and establishing the rules and regulations for the temporary skate/scooter park- Town Manager
9. Approve response to the 2019-20 Marin County Civil Grand Jury Report entitled *Roadblocks To Safer Evacuation in Marin*- Town Manager
10. Receive draft Climate Action Plan for discussion at a joint meeting with the Climate Action Committee on March 17, 2021- Town Manager
11. Extend the terms of the three current Artists-in-Residence- Town Manager
12. Receive Treasurer's Report for Quarter Ending December 31, 2020- Town Treasurer

There was a correction to page 7 of the January 20, 2021 minutes, to add the Measure K Oversight Committee to Councilmember Coler's assignments.

Mayor Ackerman opened the meeting to public comments.

Deborah Benson referred to item #1 and was concerned that there was no "memo" column.

M/S, Goddard/Cutrano, Motion to approve the Consent Calendar with the correction to the January 2, 2021 as indicated by Councilmember Coler and the supplement to item #8.

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

Regular Agenda

13. Receive presentation on Redwood Tree Maintenance Plan (Plan) from the Town Arborist, discuss/consider the Plan, and direct staff as appropriate- Town Manager

Town Manager Toy presented the staff report.

Ray Moritz, Town Arborist, gave a report and discussed the maintenance plan.

He answered questions from the Council about Valley Oaks, "cultural care", crowding, and the use of chipped material from diseased trees as mulch, the use of bio-char, duration of watering, mulch and compost.

Mayor Ackerman opened the meeting to public comments.

Jason Deschler, representing the Coast Miwok Tribal Council, stated too much water was not an issue with Redwoods.

Frank Egger stated the Redwoods in Peri Park are under major heat and drought stress.

Deborah Benson asked about the timeline for the plan and who would be responsible for it.

Veronica Geretz stated the Volunteer Board could help with this plan.

Beth Verticle volunteered to help with this plan.

Mark Bell was glad this issue was being addressed.

The Council supported replanting with Redwoods, asking the Tree Committee to review the Valley Oaks near the playground, and irrigation.

Staff was directed to start working on the Annual Maintenance Plan with the Town Arborist, with the goal of it continuing annually, and incorporating volunteers when possible.

The Council took an 8-minute break at 10:03 p.m.

3.02.26 14. Discuss/consider the renaming of Sir Francis Drake Boulevard and provide formal direction to the Council representatives to the Marin County Sir Francis Drake Ad-Hoc Working Group- Town Manager

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

Mayor Ackerman opened the meeting to public comments.

Michael Ardito discussed the impact of a name change on all the homes and businesses.

Frank Egger echoed the previous speaker's remarks.

Danette Citti, Veronica Geretz, Jane Richardson Mack, and Duane Van Diemen supported the idea of historical designation of the road through the use of brown signage.

Mark Bell stated that history may support changing the Town's name and other street names.

Deborah Benson supported a compromise.

Richard Applebaum, Steve Dodge, Joe McGarry, Naomi Alessandra, Mireya, Brian Poindexter, and Jason Deschler supported the proposal to change the name of Sir Francis Drake Boulevard.

M/S, Coler/Goddard, Motion to approve Option #1, support the renaming of Sir Francis Drake Boulevard.

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

Mayor Ackerman stated he and Councilmember Goddard would report back to the working group.

Town Clerk announced Councilmember Hellman left the meeting at 12:08 a.m.

M/S, Coler/Goddard, Motion to continue item #15 to the March 17th meeting with the Climate Action Committee Session starting at 5:30 p.m.

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

15. Discuss/consider interview and selection process for Police Chief and provide direction to staff- Town Manager

Mayor Ackerman stated this item was continued to the March 17th meeting.

16. 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

Mayor Ackerman stated this item was continued to the April 7th Council meeting.

PUBLIC HEARING

17. 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 April 7, 2021 Town Council Meeting

Mayor Ackerman stated this item was continued to the April 7, 2021 meeting.

Town Manager's Report

Town Manager Toy, in response to a question on the status of the evacuation maps mailing, answered that there is one last thing to do.

M/S, Coler/Cutrano, Motion to adjourn the meeting at 12:20 a.m.

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

Respectfully submitted,
Toni DeFrancis, Recording Secretary

Fairfax Town Council and Climate Action Committee Minutes
**Special Joint Meeting of the Fairfax Town Council
And the Climate Acton Committee to Conduct a Study Session**
Via teleconference due to COVID-19
March 17, 2021

Mayor Ackerman called the Special Joint Meeting to order at **5:30 p.m.**

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

CLIMATE ACTION COMMITTEE MEMBERS PRESENT: Jennifer Hammond
David Haskell
Kiki La Porta
Joanne Lasnier
Jody Timms
Beth Verdekai
Walt Vernon

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

Approval of Agenda and Affidavit of Posting

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

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

Agenda

1. Conduct a joint study session with the Fairfax Climate Action Committee to discuss the updated Climate Action Plan

The Town Council conducted a joint study session with the Climate Action Committee and discussed the updated Climate Action Plan. Climate Action Committee Chair Walt Vernon made a PowerPoint presentation. Christine O'Rourke of Marin Climate Energy Partnership also participated.

Public Comment was received from the following individuals:

Ken Jones, Greenbrae
Doug Wilson
Cindy Ross
Alec Shuldiner
Mark Bell
Alexis Fineman

Mayor Ackerman adjourned the meeting at 7:12 p.m.

Respectfully submitted,
Michele Gardner, Town Clerk

Fairfax Town Council Minutes
Special Meeting
Via teleconference due to COVID-19
Wednesday, **March 17, 2021**

Mayor Ackerman called the Special meeting to order at **7:30 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
Finance Director Michael Vivrette
Ben Berto, Planning Director

Approval of Agenda and Affidavit of Posting

M/S, Coler/Hellman, Motion to approve the affidavit of posting and the agenda moving the Consent Calendar to the beginning of the agenda and moving item #2 before item #1.

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

Town Manager Report

There was no report.

Consent Calendar

4. Authorize Mayor to send letter supporting SB612 (Portantino) to reduce the Power Charge Indifference Adjustment (PCIA) exit fee for MCE customers- Town Manager
5. Authorize the Racial Equity and Social Justice (RESJ) Committee to develop its own application, interview, selection, and appointment process for filling vacancies on the RESJ- Town Manager
6. Adopt a Resolution Recognizing and Declaring March 31st annually as Transgender Day of Visibility- Town Manager

Mayor Ackerman opened the meeting to public comments.

Libby known by Mary, Suzanne Ford, Fel Agrelius, Veronica Geretz, and Jody Timms spoke in support of Item #6.

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the removal of item #5 for discussion at the beginning of the regular agenda.

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

Regular Agenda

5. Authorize the Racial Equity and Social Justice (RESJ) Committee to develop its own application, interview, selection, and appointment process for filling vacancies on the RESJ

Town Manager Toy presented the staff report.

In response to a question about the voting rights of youth members, staff clarified that members need to be of legal voting age (18 years of age) to vote on the committee.

Mayor Ackerman opened the meeting to public comments.

Veronica Geretz expressed a concern about youth equity regarding voting.

John Romaidis opposed the RESJ developing its own process.

Joe McGarry expressed a concern about youth equity regarding voting.

Mark Bell questioned the presence of racism in Fairfax.

Jane Richardson opposed the RESJ developing its own process.

Naomi Alessandra supported the RESJ developing its own process.

Richard Applebaum supported the RESJ developing its own process.

Beth Verdekal supported the RESJ developing its own process.

Lisel Blash, member of the RESJ, supported the RESJ developing its own process.

Mimi Newton noted the application for RESJ was different from the one for other committees.

Chris supported the RESJ developing its own process.

Jesse Lumb supported the RESJ developing process.

Hunter Franks supported the RESJ developing its own process.

In response to a question from the Council, Town Attorney Coleson stated the Council may set the rules and the guidelines for the interview process however they wish, but the selection and appointment of a members of a Council subcommittee governed by the Brown Act can only be made by the Council.

RESJ, as an advisory committee to the Council, is free to make suggestions about the application form and process including interview questions. The committee could recommend to the Council the applicants that they favor. The Council would not be prohibited in doing more interviews.

Councilmember Hellman made a motion to authorize the Racial Equity and Social Justice Committee to design its own candidate application, interview and selection process to put forth candidates to the Town Council for final interview and appointment. The Council would have the choice to appoint the top three or interview all of the candidates or the top candidates.

Councilmember Hellman withdrew her motion after further discussion by the Council.

It was the consensus of the Council to send the matter back to the RESJ for input on the application form and the recommendation process.

1. 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)

M/S, Coler/Cutrano, Motion to continue item #1 to the April 7th meeting.

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

The Council took a seven-minute break at 9:30 p.m.

2. Discuss/consider interview and selection process for Police Chief and provide direction to staff

Town Manager Toy presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Joe McGarry, Richard Applebaum, and Jesse Lund supported a broad recruitment.

Patrece Bryan, Deborah Benson, Mimi Newton, Nancy Culver, John Romaidis, Frank Egger, Michael Ardito, Jane Richardson, Mark Bell, and Michael McIntosh supported appointing Interim Chief Tabaranza as the permanent Chief of Police.

Barbara Petty supported the appointment of Interim Chief Tabaranza or doing an internal interview process.

The Council discussed an internal selection process with an interview process as follows:

- 1) Create a questionnaire asking for the qualities people would like to see in a Police Chief, for interview questions they would like asked, and for ideas for public safety/alternatives.
- 2) Staff would review and consider the interview questions.
- 3) Form a Community Panel to conduct an interview, composed of seven members (one Volunteer Board member, one Racial Equity and Social Justice Committee (RESJ) member, one Police Practices and Public Safety Alternatives subcommittee (PPPSA) member, one Chamber representative, one business representative, and two at-large members).
- 4) Town Council and Town Manager will conduct an interview.

M/S, Coler/Hellman, Motion to conduct an internal selection process and direct staff to follow the public process as discussed and with adjustments by staff, as necessary.

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

The Mayor reviewed the agenda.

M/S, Coler/Goddard, Motion to hear Item #3.

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

3. Discuss/consider 2021-21 Mid-Year Budget Review Report and direct staff, as appropriate

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

Mayor Ackerman opened the meeting to public comments.

Beth Verdekal had a question about uses of federal Covid relief money.

Michael McIntosh had a question about the Utility User Tax.

M/S, Coler/Goddard, Motion to adjourn the meeting at 11:48 p.m. in memory of Eugene Silvio Ardito.

Respectfully submitted,
Toni DeFrancis, Recording Secretary

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