

DRAFT Fairfax Town Council Minutes
Regular and Special Meeting
Via teleconference due to COVID-19
Wednesday, February 3, 2021

Mayor Ackerman called the Special Meeting to order at 6:30 p.m.

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

Interview and Appointments

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

The Council interviewed Ms. Heather Duplaisir for the Fairfax Open Space Committee.

There were no public comments.

M/S, Ackerman/Hellman, Motion to appoint Ms. Heather Duplaisir to the Fairfax Open Space Committee.

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

Mayor Ackerman called the Regular Meeting to order at 7:00 p.m. in memory of Mr. Jay Cimo.

Approval of Agenda and Affidavit of Posting

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

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

Open Time

John Reed made a statement about the passing of Jay Cimo and discussed his many contributions to the community. He will be sorely missed.

Norma Fragoso thanked the Council for approving the Victory Village Senior Housing Project.

Elias Karkabi disagreed with the participation of the ADL in a public social justice forum.

Larry Bragman made a statement about the passing of Jay Cimo and asked for contributions to a collection of photographs or other items for his legacy.

Morgan Hall, Walsh Lane, stated he disagreed with the result of the Town Council's tie vote on his appeal of the 6 Walsh Lane project.

Walt Vernon stated the Climate Action Committee was close to completing the Climate Action Plan.

Mallory Geithem agreed with the comments made by Mr. Hall.

Pam Meigs agreed with the comments made by Mr. Hall.

Joe McGarry provided statistics for the Fairfax Police Department regarding racial inequity.

Ling Shien Bell, Dominga Avenue, agreed with the comments made by Mr. Hall.

Mark Bell asked supported an irrigation system for Town redwood trees.

Consent Calendar

1. Receive approved list of Councilmember Board and Committee assignments and Council reports on their activities in December and January- Town Clerk
2. Approve minutes for the Town Council meetings of November 18 and December 2, 2020- Town Clerk
3. Adopt a Resolution Approving the Deputy Town Clerk/Assistant to the Town Manager job Classification- Town Manager
4. Adopt a resolution establishing a salary range for the Deputy Town Clerk/Assistant to the Town Manager job classification and special administrative leave for the Marketing and Communications Specialist position- Town Manager
5. Receive status update on the potential location of a temporary skate/scooter park scheduled for consideration at the February 17, Council meeting- Town Manager, Ad Hoc Sub-Committee
6. Reappoint Lisel Blash to the Affordable Housing Committee- Town Clerk
7. Adopt a resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds- Town Manager
8. Second reading by title only and adoption of 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 opened the meeting to public comments.

Mark Bell asked to pull items #3 and #4 and stated his concern for the redwood trees' health.

M/S, Coler/Goddard, Motion to approve the Consent Calendar with the removal of items #5 and #7 for discussion. Item #5 will be heard before item #11 and item #7 will be placed at the end of the agenda.

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

Public Hearings

9. Introduce and read by title only an Ordinance Adding Section 15.04.065 “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 Categorically Exemption- Planning Director, Town Manager

Town Manager Toy presented a staff report.

Mayor Ackerman asked if the permit fee will continue to be waived for residential charging stations. Town Manager Toy stated “yes”.

Mayor Ackerman opened the Public Hearing, and seeing no speakers, closed the Public Hearing.

M/S, Goddard/Cutrano, Motion to Introduce and read by title only an Ordinance Adding Section 15.04.065 “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. AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

10. 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 Margene Sorgen, appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)- Principal Planner, Town Manger
This item has been continued to the March 3, 2021 Town Council Meeting

Mayor Ackerman stated this item had been continued to the March 3, 2021 Council meeting.

Regular Agenda

5. Receive status update on the potential location of a temporary skate/scooter park scheduled for consideration at the February 17, Council meeting- Town Manager, Ad Hoc Sub-Committee

Town Manager Toy presented a staff report, noting the temporary location was identified as the west side of the Pavilion parking lot.

Vice Mayor Hellman and Councilmember Cutrano, the Ad Hoc Subcommittee for the project, stated if the location were approved on February 17th, the park could be up and running by April 1st. They emphasized this is a temporary location, and they continue to search for a permanent one.

Mayor Ackerman opened the meeting to public comments.

John Kirkpatrick, who lives across the street from the proposed location, was concerned about the resulting noise from the skate park.

Pam Meigs supported the project, although she had questions.

Andrea Sumits supported the proposal.

Steven Tejeiro, Skate Park Committee, supported the project.

Mallory Geithem supported the project, although she had concerns.

11. 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 the December 2 and 16, 2020 and January 20, 2021 meetings)- Town Manager

Town Manager Toy presented a staff report.

Mayor Ackerman opened the meeting to public comments.

Pam Meigs supported the formation of the committee.

Jody Timms supported the formation of the committee.

Ms. Mallory Geithem supported the formation of the committee and offered to connect them with California Association of Therapists' Trauma Response Team.

Joe McGarry supported the formation of the committee.

Amy Flynn, NRG Coordinator, supported the formation of the committee.

M/S, Coler/Hellman, Motion to appoint Councilmembers Goddard and Cutrano to the Ad Hoc Community Emergency/Disaster Preparedness Committee.

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

The Council took a 10-minute break at 9:12 p.m.

12. Adopt two resolutions: (a) Resolution Setting Terms for At-Large Members of the Tree Advisory Committee; and (b) Resolution Amending the Interview and Appointment Policy to Amend the process for the Tree Advisory Committee- Town Manager

Town Manager Toy presented a staff report.

There were no public comments.

M/S, Coler/Goddard, Motion to Adopt a Resolution Setting a Term of Three-Years for At-Large Members of the Tree Advisory Committee.

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

M/S, Coler/Cutrano, Motion to Adopt a Resolution Amending the Interview and Appointment Policy to Amend the process for the Tree Advisory Committee with the following two changes to Exhibit A: 1) Section 1.2 shall read "two weeks prior to the Council meeting"; 2) Section 3.2 shall read "applicants will be required to attend a Planning Commission meeting".

AYES: Coler, Cutrano, Hellman, Mayor Ackerman

NOES: Goddard

13. Authorize the Town Manager to purchase two wooden play structures from BEARS Playgrounds in a total amount not to exceed \$112,000 including installation costs- Town Manager

Town Manager Toy presented a staff report.

In response to Council questions, Town Manager Toy stated there was not an installation timeline yet. They did not have a cost for a contractor to do the demo work. It would be cheaper to have the work done by the Public Works Department crew. Staff is working on these details.

Mayor Ackerman opened the meeting to public comments.

Mark Bell stated he was concerned about the redwood trees adjacent to the playground.

John Reed supported involving the community in the building of the play structure.

M/S, Coler/Cutrano, Motion to authorize the Town Manager to purchase two wooden play structures from BEARS Playgrounds in a total amount not to exceed \$112,000 including installation costs and appropriate approximately \$12,000 from the Peri Park Equipment Fundraising Account and \$20,000 from the General Fund Reserve to fund Account 51-841. AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

14. Consider request from the Climate Action Committee to prepare an Ordinance to ban natural gas in new residential developments- Town Manager

Town Manager Toy presented a staff report.

Mayor Ackerman opened the meeting to public comments.

Norma Fragoso, speaking as a private resident and not as a Planning Commissioner, supported such policies and building codes for both commercial and residential properties.

Beth Verdekai supported the ordinance being added to the Health and Safety code.

David Moller stated he had sent the Council written comments, recommending they follow the San Francisco model.

Walt Vernon, Climate Action Committee (CAC) Chair, stated the CAC supported the Marin County codes. The CAC has been gathering information on this topic to share with the Council.

The Council asked staff to come back with a range of options for an ordinance. Mayor Ackerman and Vice Mayor Hellman, Council Liaisons to the CAC, would continue to work with on resources.

7. Adopt a resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds- Town Manager

Town Manager Toy presented a staff report, noting that HCD required the Town use the resolution template provided.

There were no public comments.

M/S, Coler/Goddard, Motion to adopt a resolution Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds and including a cover letter to the effect of: "The Town Council remains concerned about the Regional Housing Needs Assessment methodology and resulting housing numbers for Fairfax, as expressed in the enclosed letter dated October 13, 2020, to the Association of Bay Area Governments."
AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

Council Reports and Comments

Mayor Ackerman noted these reports were included in the packet.

Town Manager's Report

There was no report.

Future Agenda Items

The following items were requested: irrigation plans for the redwood trees in Peri Park, and another small business grant program for COVID relief.

M/S, Goddard/Coler, Motion to adjourn the meeting at 11:40 in honor of Black History Month and in memory of Mr. Joseph (Joe) T. Lordan, Actress Cicely Tyson, and Major League Baseball's All Time Home Run Leader Hank Aaron with 755 home runs.
AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

DRAFT Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Via teleconference due to COVID-19
Wednesday, February 17, 2021

The Special meeting was preceded by a Closed Session from 5:45 p.m. to 6:30 p.m.

There was no public comment.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6
Agency designated representative: Garrett Toy, Town Manager
Employee Organization: Fairfax Police Officers Association

Mayor Ackerman called the Special meeting to order at 6:40 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 Agenda and Affidavit of Posting

M/S, Cutrano/Goddard, Motion to approve the affidavit of posting and the agenda as follows:
Consent Calendar item #4 shall be pulled for discussion and placed before item #5, and move
item #9 after item #6.

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

Announcement of Closed Session Action

Mayor Ackerman announced the Closed Session resulted in no action or direction to staff.

Consent Calendar

1. Approve minutes for the Town Council meeting of December 16, 2020- Town Clerk
2. Schedule two joint special study sessions on March 17th: One with the Planning Commission to discuss the Housing Element process and the other with the Climate Action Committee to discuss the updated Climate Action Plan- Town Manager
3. Adopt a Resolution Appointing a Representative and Two Alternates to the Marin Emergency Radio Authority (MERA) Board of Directors- Town Manager

4. Adopt a Resolution Approving a Side Letter to Amend the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (FPOA) to extend the current MOU from June 30, 2021 to June 30, 2020 with no other changes- Town Manager

The Council discussed having a Councilmember serve as one of the alternates.

There were no public comments.

M/S, Goddard/Hellman, Motion to approve Consent Calendar item #1 with the supplement included, item #2, item #3 amended to appoint Councilmember Cutrano as the first alternate and Sergeant William Cade as the second alternate, and the removal of item #4 to the Regular Agenda.

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

Regular Agenda

4. Adopt a Resolution Approving a Side Letter to Amend the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (FPOA) to extend the current MOU from June 30, 2021 to June 30, 2020 with no other changes- Town Manager

Town Manager Toy presented the staff report

Mayor Ackerman opened the meeting to public comments.

Naomi Alessandra requested this be postponed so that the PPPSA could provide input.

Mimi Newton supported the FPOA and opposed delay of the hiring process.

Brian Poindexter stated that Police Department matters should not be on the Consent Calendar.

Deborah Benson supported the Fairfax Police Department, and opposed involvement of Town committees in labor negotiations.

Richard Applebaum stated his concern with the current process.

Joe McGarry supported postponing the item so that the PPPSA could provide input.

Veronica Geretz, PPPSA member, stated that reviewing the MOU is one of the committee's tasks.

Jane Richardson Mack supported the Fairfax Police Department, and opposed involvement of committees.

John Romaidis supported the comments of the previous speaker.

Patrece Bryan, RESJ and PPPSA member, stated she did not support either group's involvement in this matter, as it was not their charge.

Frank Egger, Meadow Way, supported the resolution.

The Council noted that adoption of the resolution would not affect the ability of the PPSA to make recommendations.

M/S, Coler/Goddard, Motion to Adopt a Resolution Approving a Side Letter to Amend the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (FPOA) for the period July 1, 2018 through June 30, 2021

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

5. Consider the creation of a temporary skate/scooter park in the western portion of the Pavilion parking lot, provide direction to staff regarding key policies and direct staff to proceed, if appropriate- Town Manager

Town Manager Toy presented the staff report.

Steven Tejeiro gave a PowerPoint presentation and an update on the temporary Skate Park.

Mayor Ackerman opened the meeting to public comments.

Cass Morrison, John Romaidis, Bridget Carlson, Steven Wasserman, Andrea Sumits, Kent Madson, Bill King, Jamison Wells, John Daley, Andrew Harris, Ilo, Lina, Jake, Cooper, and Woolf Barnato, and Holly Bragman supported the project.

The Council discussed the proximity to the compost bin, losing some parking spaces, noise and the hours of operation, recycling, garbage, a timeline for the temporary park of twelve to twenty-four months with a six-month check-in.

M/S, Hellman/Cutrano, Motion to support the creation of the temporary skate/scooter park per the staff report.

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

The Council took a 10-minute break at 9:17 p.m.

6. Introduce and read by title only an Ordinance Adding Sections 10.28.020, "Designated Skate Park Areas", and 10.28.030, "Safety Equipment Required", to Chapter 10.28 of the Fairfax Municipal Code, entitled "Skateboards", Setting Forth Procedures for Authorizing Designated Public Areas as Skating Facilities and Requiring Use of Safety Equipment. Categorically exempt from CEQA under CEQA guidelines Section 15303 (Class 3)- Town Manager

Town Manager Toy presented the staff report.

There were no public comments.

In response to Council questions, Town Attorney suggested the following amendments: 1) The word "areas" throughout shall be changed to "area", and "parks" shall be "park" and "facilities" shall be "facility" except in the CEQA Section; 2) The wording "skateboard or other wheeled recreational devices" will be changed to "non-motorized skateboards, scooters, in-line skates, or roller skates"; 3) Any reference to location shall be changed to "the Pavilion/Bank Street Public Parking lot"; 4) Elimination of the fifth "Whereas"; 5) The addition of Section 6, Sunset Date, shall read: "This Ordinance shall terminate and be of no further force or effect at midnight on April 3, 2023".

M/S, Coler/Cutrano, Motion to Introduce and read by title only an Ordinance Adding Sections 10.28.020, "Designated Skate Park Area", and 10.28.030, "Safety Equipment Required", to Chapter 10.28 of the Fairfax Municipal Code, entitled "Skateboards", Setting Forth Procedures for Authorizing a Portion of the Pavilion/Bank Street Public Lot as a Skating Facility and

Requiring Use of Safety Equipment with the amendments made by Town Attorney Coleson.
AYES: Coler, Cutrano, Goddard, Hellman, Mayor Ackerman

7. Discuss results of Cascade Drive questionnaire and direct staff as appropriate-
Town Manager

Councilmember Goddard recused herself from this item due to the location of her residence.

Town Manager Toy presented the staff report. Mr. David Parisi, Town traffic engineer, discussed traffic surveys and stated the goal of the project was to reduce speeds.

Mayor Ackerman opened the meeting to public comments.

Minna supported the 15 mile per hour speed limit.

Steve Wasserman supported the 15 mile per hour speed limit.

Deborah Benson did not support the current configuration of the road.

Richard Applebaum supported a line down the middle of the road and a 15 mile per hour speed limit.

Frank Egger, Save Fairfax, supported a double yellow center line.

Janet Fitzgerald did not support the current roadway configuration.

Steve did not support the current roadway configuration.

Mark Bell did not support the current roadway configuration.

John had concerns about fire.

Mr. Parisi stated the original intent of the project was to create traffic calming measures and reduce speeds.

M/S, Coler/Hellman, Motion to go back to the double yellow line throughout, posting 15 mile per hour advisory signs, and removing all the fog lines with the exception of the totally flat area where the traffic engineer says there is plenty of room.

AYES: Coler, Hellman, Mayor Ackerman

NO: Cutrano

RECUSED: Goddard

Mayor Ackerman asked staff to do everything possible to slow traffic down.

At 12:14 a.m. Councilmember Goddard returned to the meeting.

M/S, Coler/Cutrano, Motion to waive the 11:30 p.m. rule and continue with the rest of the agenda.

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

8. Discuss/consider expanding the closure of the lower portion of the Mono Parking Lot from up to five (5) days per week to up to seven (7) days per week and authorize staff as appropriate- Town Manager

Town Manager Toy presented the staff report.

Councilmember Goddard noted the closure of the lot is handled by volunteers and the idea is to make it manageable for them.

Mayor Ackerman opened the meeting to public comments.

Beth Verdekal supported fewer cars and more pedestrian/bicycles in the downtown.

M/S, Goddard/Cutrano, Motion to expand the closure of the lower portion of the Mono Parking Lot from up to five (5) days per week to up to seven (7) days per week and authorize staff to do so as appropriate.

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

9. Receive oral status update of the Parks and Recreation Commission's exploration of a permanent location for a skate and scooter park- Town Manager

Town Manager Toy presented a staff report

There were no public comments.

There were no comments from the Council.

M/S, Coler/Goddard, Motion to adjourn the meeting at 12:32 a.m. in memory of Ms. Arlene Spencer.

Respectfully submitted,

Toni DeFrancis, Recording Secretary