

Fairfax Town Council Minutes
Regular and Special Meeting
Via teleconference due to COVID-19
August 4, 2021

Mayor Ackerman called the Special Meeting to order at 6:15 p.m.

Call to Order/Roll Call: Special Meeting

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

STAFF MEMBERS PRESENT: Michele Gardner, Town Clerk

1. Interview two applicants and consider appointment to the Marin Commission on Aging- Town Clerk

The Council interviewed Zev Rattet and Josaphine Buennagel for the Fairfax position on the Marin Commission on Aging.

There was no public comment.

M/s Coler/Cutrano, Motion to appoint Josaphine Buennagel to the Fairfax position on the Marin Commission on Aging

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

2. Interview applicant Holly Clarke and consider appointment to the Volunteer Board- Town Clerk

The Council interviewed Holly Clarke for the Volunteer Board.

Mayor Ackerman opened public comment.

Jesse Hoffman, Volunteer Board, supported the appointment.

Mayor Ackerman closed public comment.

M/s Hellman/Goddard, Motion to appoint Holly Clarke to fill an unexpired term to May 31, 2024, on the Volunteer Board.

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

The meeting was adjourned at 6:53 p.m.

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

Roll Call: Regular Meeting

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

STAFF MEMBERS PRESENT:

Adam Politzer, Interim Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jonathan Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

M/s, Coler/Hellman, Motion to approve the Agenda and Affidavit of Posting.

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

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda, adding the Marin Municipal Water District's restrictions on water use due to the severe drought.

Presentations

Introduction of Interim Town Manager Adam Politzer and Interim Public Works Director Jonathan Goldman

Interim Town Manager Politzer introduced Interim Public Works Director Goldman.

Open Time for Public Expression

Mayor Ackerman stated that Open Time would be held for thirty minutes. If there were still speakers at that time, it would be continued to the end of the agenda.

Dr. Jody Timms, Chair of Age Friendly Fairfax, gave a status report and thanked the Council for the opportunity to have been the Fairfax representative to the Commission on Aging for many years. She supported the work of the RESJ.

Jamie McMillan had concerns about the negative impact of the recent County Health order.

Jane Richardson Mack stated one of the members of the RESJ and PPPSA should be asked to step down.

Barbara McVeigh stated the Town had an opportunity to offer an apology to the indigenous Mayan of Guatemala.

Malcolm Fine was concerned about the surface of Scenic Road between Azalea and Arroyo.

James Cosgrove was concerned about a residential construction project on Bay Road.

Linda Bolt discussed efforts to support the health of the Elliott Nature Preserve.

Sierra Salin was concerned about signs in Peri Park.

John Romaidis was concerned about the joint meeting of the Council and RESJ Committee.

Deborah Benson was concerned about the sycamore trees on Cascade Drive shedding bark.

Mayor Ackerman continued Open Time to the end of the meeting.

Consent Calendar

1. Receive Town Treasurer's Report for Quarter Ending June 30, 2021- Town Treasurer
2. Receive Financial Statement and Disbursement Reports June 2021- Finance Director
3. Receive written report on Councilmembers' assignments, committee, and activities in July- Town Clerk
4. Approve minutes for the Town Council meeting of April 7, 2021 (revised)- Town Clerk
5. Reappoint Susan Pascal-Beran to a second term on the Open Space Committee (FOSC)- Town Clerk
6. Adopt a resolution to set the living wage for Fairfax employees and Town contract employees pursuant to the annual review requirements of Section 8.56.020 of the Town Code- Town Clerk
7. Adopt a resolution Approving a Side Letter to Amend and Extend the Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) for the period July 1, 2018 through June 30, 2021 for a period of one year, through and Including June 30, 2022- Town Attorney
8. Adopt a resolution Approving a Side Letter of Agreement to the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the period of July 1, 2021, through June 30, 2022- Town Attorney
9. Adopt a resolution further amending and extending Resolution 18-31 establishing wages and benefits for management, confidential, and part-time employees for the period of July 1, 2018 through June 30, 2021 for a period of one year, through and including June 30, 2022- Town Attorney
10. Adopt a Resolution Adopting an Annual Salary Schedule- Finance Director
11. Approve special meeting date in September- Town Clerk
12. Receive annual report from the Fairfax Climate Action Committee- Town Clerk
13. Receive Marin Climate Energy Partnership (MCEP) Greenhouse Gas Inventory- Town Clerk
14. Authorize Mayor Ackerman to send a letter supporting AB 1346 (Berman)- Zero-Emission Small Off-Road Engines, which would phase out the sale of new gas-powered small off-road engines- Town Clerk

Mayor Ackerman opened the public comment, and seeing none, closed it.

M/s, Coler/Goddard, Motion to approve the Consent Calendar including the supplements to item #9 and item #13.

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

Public Hearings

15. This item has been continued to the September 1, 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, Town Manager

Mayor Ackerman stated this item was continued to the September 1, 2021 meeting.

Regular Agenda

16. Receive Fiscal Year 2019-2020 Audit Report- Finance Director, Maze & Associates

Finance Director Vivrette presented the staff report and gave a PowerPoint presentation, noting that the Town had once again received a clean audit. Together with Vicki Rodriguez, an auditor with Maze and Associates, he answered questions from the Council.

Mayor Ackerman opened the public comment, and seeing none, closed it.

There was no action taken.

17. Receive update on the Town Manager recruitment and appoint two Town Council members to serve on an ad-hoc subcommittee- Town Manager, Heather Renschler of Ralph Anderson & Associates

Interim Town Manager Politzer presented the staff report and introduced Heather Renschler. They answered questions about the process and whether it includes recruitment for the Public Works Director, who would be reviewing applications/resumes and interviewing candidates, the role of the ad hoc committee, how much public involvement would be allowed, and the timeline.

Mayor Ackerman opened public comment.

Richard Applebaum supported the idea of the ad hoc subcommittee but wanted the full Council involved for the majority of the process.

Mayor Ackerman closed public comment.

M/s, Coler/Goddard, Motion to appoint Councilmember Coler and Vice Mayor Hellman to serve on the ad hoc subcommittee.

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

18. Introduce by title only an Ordinance Adding Chapter 15.05 entitled "All Electric Construction in Newly Constructed Buildings" to Title 15 of the Fairfax Municipal Code; CEQA categorically exempt pursuant to CEQA Guidelines Sections 15378(b)(5), 15061(b)(3), and/or 15307 and 15308- Planning Director, Town Attorney

Town Attorney Coleson presented the staff report and a PowerPoint presentation that included the following: 1) All-Electric Ordinance for New Construction; 2) Background; 3) Applicability; 4) Requirements; 5) Exceptions/Exemptions; 6) Recommendation.

Town Attorney Coleson answered questions from the Council.

Mayor Ackerman opened the public comment.

Walt Vernon, Chair of the Climate Action Committee, asked the Council to reconsider the

effective date and to remove the exemption for affordable housing. He supported the ordinance.

Peter Lacques supported the ordinance.

Dr. Jody Timms did not see a reason for the affordable housing exemption.

Mayor Ackerman closed the public hearing.

The Council discussed putting the ordinance in the Building Code, moving the effective date, the affordable housing exemption, and the idea of remodels.

M/s, Goddard/Coler, Motion to Introduce by title only an Ordinance of the Town of Fairfax Adding Chapter 15.05 entitled "All Electric Construction in Newly Constructed Buildings" to Title 15 of the Fairfax Municipal Code with an effective date of March 1, 2022.

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

The Council took a 5-minute break at 9:50 p.m.

M/s, Coler/Goddard, Motion to waive the 10:00 p.m. rule.

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

19. Discuss/consider adoption of a Resolution Modifying the Composition of and Extending the Term for the Members of the Racial Equity and Social Justice Committee ("RESJ")- Town Clerk, Town Attorney

Town Clerk Gardner presented the staff report and answered questions from Council.

Mayor Ackerman opened public comment.

Jane Richardson Mack opposed the resolution.

Naomi Alessandra and Richard Applebaum supported the resolution.

John Romaidis did not support reducing the membership.

Deborah Benson opposed the resolution.

Ling Shien Bell opposed the resolution.

Mark Bell opposed the resolution.

Laurie Berliner supported the resolution but opposed reducing the membership.

Mayor Ackerman closed public comment.

M/s, Coler/Hellman, Motion to adopt a Resolution Modifying the Composition of and Extending the Term for the Members of the Racial Equity and Social Justice Committee ("RESJ").

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

Open Time

Mark Bell discussed racism.

Richard Applebaum asked everyone to take a deep breath.

Danette Citti discussed the RESJ.

Council Reports and Comments

Mayor Ackerman noted written reports were in the packet.

Town Manager's Report

Interim Town Manager Politzer thanked the staff for its dedication and professionalism. He discussed several current and future projects including watering of the Town Center trees, expansion of the Town Newsletter, and scheduling of in-person meetings.

Future Agenda Items

Councilmember Coler asked that the Council consider requiring restaurants to only provide water to customers upon request.

In response to a question from Vice Mayor Hellman, Interim Town Manager Politzer stated a joint meeting of the Town Council and the Planning Commission to discuss the Housing Element was scheduled for September 22nd. He added that an update on capital projects is set for September 1st.

Vice Mayor Hellman asked that small business employee rights or coverage should they get COVID be placed on an upcoming agenda.

M/s, Coler/Cutrano, Motion to adjourn the meeting at 11:24 p.m. in memory of Jackie Kirk, Lola Duarte, and "Rosie the Riveter" Phyllis Gould.

Respectfully submitted,

Michele Gardner
Town Clerk