

Fairfax Town Council Minutes
Special and Regular Meeting
Via teleconference due to COVID-19
September 1, 2021

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

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

Interviews and Appointments

1. Interview applicant Rick Hamer and consider appointment to the Affordable Housing Committee- Town Clerk

The Council interviewed and appointed Rick Hamer for the vacancy on the Affordable Housing Committee. There was no public comment.

M/S, Goddard/Coler, Motion to appoint Rick Hamer to the Affordable Housing Committee for a full 4-year term.

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

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

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
Michael Vivrette, Finance Director
Jonathan Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

M/S, Coler/Hellman, Motion to approve the Affidavit of Posting and the Agenda with the removal of Consent Calendar item #12 and placing it after Regular Agenda item #15 for discussion.

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

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. He reported that the Council will consider the next steps with respect to the Racial Equity and Social Justice (RESJ) Committee. Vice Mayor Hellman announced she and Councilmember Goddard had met with staff about the Fairfax Vegetation Management Grant and made changes to encourage participation.

Presentations

Presentation from a representative of Marin Water regarding Drought/Conservation efforts- Marin Municipal Water District ("MMWD")

Emma Detwiler, Communications and Public Affairs Manager for MMWD, gave a PowerPoint presentation that included the following: 1) Drought is Here: Save Water; 2) Overview; 3) Water Supply; 4) Water Use Restrictions; 5) Variances and Enforcement; 6) Conservation Tips, Rebates and Resources; 7) Recycled Water Filling Station; 8) Water Conservation Resources; 9) Connect with Us. She answered questions from the Council.

Larry Bragman, MMWD Director, stated the Board recently authorized a Feasibility Study for a major pipeline project over the Richmond/San Rafael Bridge. He urged everyone to conserve.

Mayor Ackerman opened the meeting to public comments.

Laura Vernon supported Flume meters and asked a question.

Sarah asked if the irrigation restrictions applied to food gardens.

Deborah Benson, Cascade Drive, asked about wireless meters and tree watering.

Jeff Guild asked a question about leaks.

Mark Bell asked for MMWD's per person/per day number of gallons usage goal.

Mayor Ackerman closed the meeting to public comments.

Open Time

Mayor Ackerman stated that the Council would hear comments on items not on the agenda for up to 30 minutes. If there were any remaining speakers at that point, Open Time would be continued to the end of the agenda.

Dr. Jody Timms reported on the activities of the Ross Valley Seniors and Age Friendly Fairfax.

Joe McGarry, speaking on behalf of Rethink Police, discussed his public records requests.

Deborah Benson asked about the status using reclaimed water to water Town trees.

Walt Vernon, Chair of the Climate Action Committee, discussed the recent report from the International Panel on Climate Change, issuing a Code Red for humanity.

Patrece Bryant was concerned about misinformation and the how the Council addresses it.

Josa Buennagel, Fairfax representative on the Commission on Aging, gave an update.

George (Geo) Taylor supported the continuation of the RESJ Committee.

Jim was concerned about the Town's oversight of a private construction project on Bay Road.

Eva Chrysanthe supported public records requests, and expressed concerns re the use of plastics..

Jeff Guild, Bay Road, was concerned about the private construction project on Bay Road.

Mayor Ackerman noted that the 30-minute time period for Open Time had elapsed, and continued Open Time to the end of the meeting for the remaining speakers.

Consent Calendar

1. Receive Financial Statement and Disbursement Reports July 2021- Finance Director
2. Receive written report on Councilmembers' assignments, committees, and activities in August- Town Clerk
3. Approve minutes for the Town Council meetings of May 5, May 27, June 2, and June 16, 2021- Town Clerk
4. Adopt a Proclamation to Designate September 2021 as Prostate Cancer Awareness Month- Town Clerk
5. Receive Climate Action Plan Implementation Scorecard- Town Clerk
6. Receive Age Friendly Strategic Plan Implementation Scorecard- Town Clerk
7. Adopt a Resolution Promoting Voluntary Water Conservation Efforts- Town Clerk
8. Adopt First Amendment to Employment Agreement with Rico Tabaranza- Town Attorney
9. Second Reading by title only and adoption of an Ordinance adding Chapter 15.05 entitled "All-Electric Construction in Newly Constructed Buildings" to Title 15 of the Fairfax Municipal Code; CEQA exempt pursuant to CEQA Guidelines Sections 15378(b)(5), 15061(b)(3), and/or 15307 and 15308- Town Attorney
10. Reappoint Chris Borjian to the Open Space Committee- Town Clerk
11. Approve and Sponsor Closure of Parkade to hold an Electric Vehicle Show on Sunday, September 26, 2021, from 10:00 a.m. to noon- Recreation and Community Services Director, Interim Public Works Director
12. Adopt an Urgency Ordinance to establish paid sick leave requirements for all employers in the Town with 25 or fewer employees for COVID-19 related reasons; CEQA exempt under CEQA Guidelines Sections 15060(c)(2)- Town Attorney

Councilmember Coler made a comment about items #4, #7, and #10.

Councilmember Goddard referred to item #6 and asked for correction on page 1: FY 2021-2022.

Mayor Ackerman opened the meeting to public comments.

Stan Rosenfeld discussed item #4 and reminded everyone that PSA testing saves lives.

Frank Egger referred to item #7 and stated water conservation efforts should be mandatory.

Mayor Ackerman closed the meeting to public comments.

Councilmember Goddard agreed with the comments of Frank Egger.

M/S, Cutrano/Goddard, Motion to approve the Consent Calendar with the correction to item #6 and the removal of item #12 for discussion.

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

Public Hearings

13. 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 October 6, 2021 Town Council Meeting

Mayor Ackerman stated this item was continued to the October 6, 2021 Council meeting.

Regular Agenda

14. Receive update on the Town Manager recruitment and review and approve Town Manager recruitment brochure- Interim Town Manager, Heather Renschler of Ralph Anderson & Associates

Interim Town Manager Politzer presented a staff report and introduced Heather Renschler, who is handling the Town's recruitment efforts. Ms. Renschler discussed the brochure.

Mayor Ackerman opened the meeting to public comments.

Mallory Geithem suggested the photos in the brochure could be more relevant.

Deborah Benson did not agree with some of the content and had questions.

Mark Bell had suggested the salary should be tied into where the individual resides.

Richard Applebaum stated that the final candidates should be made aware of Town issues.

Mayor Ackerman closed the meeting to public comments.

The Council suggested minor language edits, and asked questions about the recruitment process.

M/S, Hellman/Coler, Motion to approve the brochure to recruit the Town Manager subject to the changes.

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

15. Receive results of the Outdoor Dining Survey and provide direction to staff- Communications Specialist, Interim Public Works Director

Camille Esposito, Communications Specialist, gave a PowerPoint presentation that included the following: 1) Survey Results; 2) Overall Results; 3) Business Response; 4) Resident Response; 5) Visitor Response; 6) How we promoted the survey; 7) Comments; 8) Constructive Criticism; 9) Next Steps. In response to questions from the Council, she stated that the survey was intended to get a general read on how people felt, rather than statistically valid data.

Mayor Ackerman opened the meeting to public comments.

Andy Peri, Cypress Drive, supported the “pocket parks” becoming permanent.

John Romaidis opposed the “parklets” becoming permanent.

Jane Richardson Mack opposed the “parklets” becoming permanent.

Peter Lacques stated he generally supported the “parklets”.

Deborah Benson, Frank Egger, and Richard Applebaum opposed any structures on Bolinas Road due to its being an evacuation route.

Karen “Kaz” Begley, President of the Fairfax Chamber of Commerce, supported the “parklets and reconsideration of their use along Bolinas Road.

Brenna Gubbins, local business owner, had concerns about whether the “parklets” were equitable for everybody.

Mark Bell and Mallory Geitheim stated safety concerns should be the priority.

Larry Bragman recalled a parklet ordinance from ten years ago. He agreed the public safety aspect is important.

Mayor Ackerman closed the meeting to public comments.

The Council discussed safety, building code, design specs and standards, size limits, number of structures, uses, shades, ADA accessibility, insurance, looking at what other communities are doing, parking study, workshop, and keeping sidewalks clear.

Staff was directed to bring this item back with a framework for moving forward, based on the issues discussed.

Mayor Ackerman reviewed the agenda pursuant to the 10:00 rule. There were no changes.

The Council took a 10-minute break at 10:20 p.m.

12. Adopt an Urgency Ordinance to establish paid sick leave requirements for all employers in the Town with 25 or fewer employees for COVID-19 related reasons; CEQA exempt under CEQA Guidelines Sections 15060(c)(2)- Town Attorney

Town Attorney Coleson presented a staff report and answered questions from the Council.

Mayor Ackerman opened the meeting to public comments.

Jack Buckhorn, Executive Director of the North Bay Labor Council, supported the ordinance.

Joe McGarry supported the ordinance.

Mattie Hirshfield supported the ordinance.

Kris Organ, former Executive Director of Service Employees International Union (SEIU) Local 949, supported the ordinance.

Mayor Ackerman closed the meeting to public comments.

Councilmember Coler supported a “sunset” date of September 30, 2021 and taking action if the tax credits are extended. She noted the changes that should be made to the ordinance. She would like to see more outreach.

Councilmembers Goddard, Cutrano, and Mayor Ackerman agreed with Councilmember Coler.

Town Attorney Coleson noted the supplemental document is not in play.

M/S, Hellman/Coler, Motion to Adopt an Urgency Ordinance to Establish Paid Sick Leave Requirements for All Employers in the Town with 25 or Fewer Employees for COVID19-Related Reasons, with the removal of language to follow the tax credit contained in Section 3 on page 4 and above paragraph(d) on page 7 and replace that language with “September 30, 2021”.

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

16. Receive Capital Projects update- Interim Public Works Director

Interim Public Works Director Goldman presented a staff report and a PowerPoint presentation that included the following: 1) Capital Projects Update; 2) Capital Projects Background; 3) Capital Projects Discussion; 4) Key Project Updates; 5) Street Paving; 6) Bridges; 7) Intersection Pedestrian Safety/Safe Pathways to Schools; 8) Park and Pedestrian Trail Improvements; 9) Other Projects; 9) Recommendations. He answered a question from the Council regarding the use of rubberized asphalt for street paving projects.

Mayor Ackerman opened the meeting to public comments.

Walt Vernon recommended electrification of Town owned buildings.

Mayor Ackerman closed the meeting to public comments.

Mayor Ackerman supported the recommendation of Walt Vernon.

The Council expressed their appreciation for all of the hard work, and the comprehensive report.

M/S, Coler/Goddard, Motion to waive the 11:30 p.m. rule.

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

17. Receive report regarding potential projects and programs eligible for the American Rescue Plan Act (ARPA) funding and provide direction to staff- Interim Public Works Director, Finance Director

Finance Director Vivrette and Interim Public Works Director Goldman presented a staff report and a PowerPoint presentation that included the following: 1) ARPA Funding- Background; 2) Ineligible Uses; 3) Timeframe; 4) Compliance; 5) How shall we decide; 6) Proposed uses; 7) Conclusion; 8) Recommendations. They answered questions from the Council regarding the proposed projects; how they move forward with the urgent projects; the approval process and timelines; eligibility of certain projects; advice from the Government Finance Officer’s office; how to leverage other funds. They answered questions from Council.

Mayor Ackerman opened the meeting to public comments.

Larry Bragman stated the Marin Municipal Water District (MMWD) was not an ARPA recipient. He

summarized the MMWD's water conservation efforts.

Walt Vernon supported the two proposals submitted by the Climate Action Committee.

Nina Luttinger stated she worked with Sustainable Fairfax and helped to draft the Water Conservation Proposal.

Laura Vernon, who also worked on the Water Conservation Proposal, supported it.

Frank Egger, Meadow Way, stated the Town needed more information and more engagement with the Water District before making a decision.

Larry Bragman stated making conservation work is the best way to influence policy.

Mayor Ackerman closed the meeting to public comments.

The Council discussed process and the urgency of the water situation due to the extreme drought, the idea of holding a public workshop, and leveraging other partnerships.

It was the consensus of the Council to direct the proposal back to the Climate Action Committee where the public could participate and provide feedback, then bring it back to the Council in October.

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

Councilmember Goddard asked that the following item be placed on a future agenda: Discussion regarding amended language to the General Plan.

Councilmember Coler asked that the following item be placed on a future agenda: Urgency Ordinance to extend the Eviction Moratorium for COVID to December 31, 2021.

M/S, Goddard/Coler, Motion to adjourn the meeting at 1:20 a.m. in memory of James DeMartini and John Roberts Barich

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

Respectfully submitted,

Michele Gardner, Town Clerk