

DRAFT Fairfax Town Council Minutes
Special Meeting to Conduct Interviews
And Regular Meeting
Via teleconference due to COVID-19
May 5, 2021

Mayor Ackerman called the Special Meeting to order at 6:15 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 two applicants and discuss/consider appointment to fill an unexpired term on the Planning Commission- Town Clerk

The Council interviewed Robert Jansen and Brett Kelly for appointment to the unexpired term on the Planning Commission.

Mayor Ackerman opened the public comment.

Betsy Kelly supported Brett Kelly.

Mayor Ackerman closed the public comment.

M/S, Coler/Cutrano, Motion to appoint Robert Jansen to the unexpired term on the Planning Commission to January 31, 2024.

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

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: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Linda Neal, Principal Planner
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

M/S, Cutrano/Goddard, Motion to approve the Affidavit of Posting and the agenda with the following change: Move the Regular agenda ahead of the Public Hearing and move item #15 to before item #14.

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

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Councilmember Hellman briefly discussed the Cascade Road Striping Project.

Open Time

Rick Hamer suggested spectator seating for the skate park.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report.

Deborah Benson asked about the Cascade Drive Restriping Project.

Linda Novy thanked the Town for weeding around the fire hydrant on Cascade Drive and installing "No Parking" signs.

Mark Bell opposed the Land Acknowledgement on the agenda.

Presentations

1. Presentation of a Proclamation in memory of Eugenio Ardito- Councilmember Coler

Mayor Ackerman read the Proclamation and invited public comments.

Michael Ardito thanked the Council for honoring his father.

Mayor Ackerman closed public comment.

2. Presentation on proposed uses of local funds for the Marin Wildfire Prevention Authority- Fire Chief Weber

Fire Chief Jason Weber gave a PowerPoint presentation that included the following: 1) Town of Fairfax- Wildfire Prevention; 2) Marin Wildfire Prevention Authority- History, Funding, Core, Local, and Defensible Space (d-space); 3) Core Projects- Greater Ross Valley Benefits; 4) Example of D-Space Program Software; 5) Fairfax Local Funding; 6) Next Steps.

Chief Weber answered questions from the Council.

Mayor Ackerman opened public comment.

Richard Applebaum suggested adding staff, a jobs program, and emergency helicopters and planes.

Frank Egger suggested voiceover commands for emergency sirens and pop-up signs to facilitate evacuations.

Linda Novy asked about closing open space areas closed on Red Flag Days.

Janet Fitzgerald recommended the LRAD system.

Jane Richardson Mack, Tree Committee, stated there are many tree removal applications.

Mayor Ackerman closed public comment.

3. Presentation from Marin County Parks on the Planned Improvements for the Elliot Preserve- Marin County Open Space

Town Manager Toy presented a staff report.

Jon Campo gave a PowerPoint presentation that included the following: 1) Cascade Canyon Preserve; 2) Proposed Project Location; 3) Project History; 4) Purpose of Proposed Project- Implement the RTMP; 5) Proposed Project Objectives; 6) Studies to Inform Design and CEQA Analysis; 7) Stakeholder Engagement; 8) Development of Shared Goals 9) Proposed Project Components; 10) Bridge Site #1; 11) Canyon Trail- Change in Use; 12) Canyon Trail- Chicanes; 13) Bridge Site #2; 14) Grassland Restoration and Fencing; 15) Bicycle Rack; 16) Implementation; 17) Bullfrog Creek Bridge; 18) Visitor Use; 19) Trail Bridges; 20) More Information; 21) Next Steps.

Jon Campo, Max Korten, and Michelle Julene answered questions.

Mayor Ackerman opened public comment.

Aaron Spindell, representing Access for Bikes, supported the project.

Linda Novy opposed the project.

Linda B. opposed the project.

Minna Kim opposed the project.

Janet Fitzgerald opposed the project.

Zachary Warner supported the project.

Frank Egger, representing Save Fairfax, opposed the project.

Charles Merrell supported the project.

Pamela Meigs opposed the project.

Jess Lerner opposed the project.

Deborah Benson opposed the project.

Rene Voss, San Anselmo, opposed the project.

Lisel Blash supported the project.

Dave Jay supported the project.

Mallory Geitheim emphasized that this is a nature preserve.

Tom Boss, representing the Marin County Bicycle Coalition (MCBC), stated this bridge project reduces the linear footage of bike trails. The project would reduce the impacts to the habitat.

Geoffrey Bolt opposed the project.

Mayor Ackerman closed the public comment.

The Council expressed some concerns about increased traffic and parking. They requested increased and improved signage, education, enforcement, and a letter to the Bicycle Coalition to be distributed to cyclists.

It was noted that this is the same project that was presented in 2017.

The Council took a 10-minute break at 10:05 p.m.

Consent Calendar

4. Receive Financial Statement and Disbursement Reports March 2021- Finance Director
5. Receive written report on Councilmembers' assignments, committees, and activities in April- Town Clerk
6. Approve minutes for the Town Council meetings of March 3 and 17, 2021- Town Clerk
7. Adopt a resolution establishing the Town's Community Emergency Preparedness Committee
Town Manager
8. Authorize the Mayor to prepare a letter to cyclists to remind them to be respectful in riding in Town and adjacent open spaces- Mayor
9. Receive update on the preparation of the Town's Fiscal Year 2021-22 Operating and Capital Improvement Budget for discussion at the May 27th budget workshop- Town Manager, Finance Director
10. Receive Treasurer's Report for Quarter Ending March 31, 2021- Town Treasurer
11. Appoint Serena Campbell to the Community Interview Panel to replace Sophia Martin as the Racial Equity and Social Justice Representative- Town Manager

There were no public comments.

M/S, Cutrano/Hellman, Motion to approve the Consent Calendar with the following edit to the March 3, 2021 Council minutes: On page 4, add Councilmember Cutrano suggested a presentation of the Bridges Project as a future agenda item.

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

Mayor Ackerman reviewed the 10:00 rule.

MS, Goddard/Cutrano, motion to continue agenda item #12 to the June 2nd Council meeting.

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

Public Hearings

12. Introduce and first reading by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.020 and Adding Section 17.020.030(c) to include the requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element which is a Part of the Design of the Building in all Zones Except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10; Exempt from CEQA Pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), 15305, and 15378- Town Manager

Mayor Ackerman stated this item was continued to the June 2, 2021 meeting.

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 June 2, 2021 Town Council Meeting

Mayor Ackerman stated this item was continued to the June 2, 2021 Council meeting.

Regular Agenda

15. Adopt two resolutions to extend the terms of temporary outdoor encroachment permits and temporary use permits from May 31, 2021 to September 7, 2021, continue the discussion of the use of outdoor public spaces (e.g., parking spaces) and provide direction to staff- Town Manager

Town Manager Toy presented a staff report and answered questions from the Council. He confirmed that the Mono Lot use was at the will of the Council.

Mayor Ackerman opened public comment.

Jane Richardson Mack opposed extending permits too much. The Mono Lot seems more egalitarian.

Patrece Bryan was concerned that people did not follow mask rules in the Mono Lot.

Devon Wilson had parking and safety concern regarding the structures.

Britt Williams supported extending the terms.

Pamela Meigs opposed the encroachments on Bolinas Road out of evacuation concerns.

Lisel Blash supported extending the terms of the parklets and the Mono Lot.

Christine Kelly supported extending the terms.

Veronica Geretz supported extending the terms.

Mallory Geitheim stated parklets should be smaller.

Joe McGarry supported extending the terms.

Brian Poindexter supported extending the terms.

Will Hubert supported extending the terms.

Kelsey Fernandez had concerns about outdoor alcohol consumption.

Brenna Gubbins recommended talking to the business owners before extending the terms.

Deborah Benson opposed extending the terms.

Richard Applebaum supported benches but had safety concerns.

Mark Bell supported extending terms until Covid ended.

Gerry Kelly supported extending the terms.

Mayor Ackerman closed the public comment.

The Council discussed a 3-month extension but was not able to reach consensus. They discussed the need for timelines, for more rules regarding the structures, for feedback from businesses and residents, and to address parking.

M/S, Cutrano/Goddard, Motion to adopt a resolution to extend the terms of temporary outdoor encroachments permits from May 31, 2021, to the first Wednesday in May 2022, and direct staff to modify applications to require businesses to consult with adjacent businesses regarding the use of outdoor space and to prohibit roof covers; and direct staff to address the problem of the step at the Village Sake.

AYES: Cutrano, Goddard, Mayor Ackerman

NOES: Coler, Hellman (through a roll call vote)

M/S, Cutrano/Goddard, Motion to adopt a resolution extending the expiration date to May 8, 2022 for temporary outdoor use permits to allow restaurants and other businesses to allow outdoor dining, other retail commercial uses, and curbside pick-up.

AYES: Cutrano, Goddard, Mayor Ackerman

NOES: Coler, Hellman (through a roll call vote)

M/S, Coler/Cutrano, Motion to appoint Councilmember Goddard and Cutrano to the ad-hoc sub-committee to explore parking.

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

The Council asked Town Manager Toy to arrange for the Fire and Police Chiefs to make a address safety concerns of the parklets at the next Council meeting.

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)

14. Discuss results from the community questionnaire for Police Chief and police services-Town Manager

Town Manager Toy presented a staff report and gave a PowerPoint presentation.

Mayor Ackerman opened the public comment.

Veronica Geretz stated the RESJ and PPPSA were eager to work with the Police Chief and she was very interested in the mental health aspect.

Naomi Alessandra supported public safety alternatives.

Brian Poindexter agreed with the previous speakers and supported change and innovation.

Deborah Benson supported the Fairfax Police Department.

Devon Wilson questioned the validity of the survey.

Joe McGarry supported a mental health response team.

Matt Quirie supported a mental health response team.

Jesse Lumb supported 24-hour mental health dispatch.

Mark Bell questioned the validity of the survey.

Frank Egger questioned the low response rate. He supported the Fairfax Police Department.

Britt Williams supported Fairfax setting an example of what policing should look like.

Mayor Ackerman closed the public comment.

There was no direction given.

Council Reports and Comments

Mayor Ackerman noted these reports were included in the packet.

Town Manager's Report

There was no report.

M/S, Goddard/Coler, Motion to adjourn the meeting at 1:45 a.m. in memory of Rudy Contratti's father, Rudolph Contratti.

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

Respectfully submitted,

Michele Gardner, Town Clerk

DRAFT Fairfax Town Council Minutes
Special Meeting to Conduct Budget Workshop
Women's Club, 46 Park Road, Fairfax, CA
May 27, 2021

Mayor Ackerman called the Special Meeting to order at 10:13 a.m.

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Michael Vivrette, Finance Director
Janet Garvin, Town Treasurer
Rico Tabaranza, Interim Chief of Police
Ben Berto, Director, Planning and Building Services
Anne Mannes, Recreation Manager

Approval of Agenda and Affidavit of Posting

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

Regular Agenda

The Town Council conducted the workshop to discuss the Fiscal Year 2021-22 Proposed Operating and Capital Improvement Budget, and discussed the following topics:

- General Budget Overview – staff made a PowerPoint presentation covering:
 - Operating revenue projections and assumptions
 - Overall expenditure estimates
 - Projected FY20-21 Year-End Expenditures and Revenues
 - Discussion of any Year-End expenditure adjustments
 - Five Year General Fund Forecast
 - American Rescue Plan Act Funding
- Other General Funds & Special Funds
- Baseline Five-Year Capital Improvement Program “CIP”
- Town Council funding requests, priorities, and goals.

There was no public comment.

The meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Michele Gardner, Town Clerk

Draft Fairfax Town Council Minutes
Regular Meeting and
Special Meeting in Closed Session
Via teleconference due to COVID-19
June 2, 2021

Mayor Ackerman called the Closed Session meeting to order at 6:00 p.m.

Roll Call:

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

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

There was no public comment on the Closed Session.

The Council adjourned to Closed Session on the following matter:

Conference with Legal Counsel- Anticipated Litigation- Government Code Section 54956.9(d)(2)
& (e)(1)- One case

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

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
Principal Planner Linda Neal

Approval of Agenda and Affidavit of Posting

M/s, Coler/Goddard, Motion to approve the Affidavit of Posting and the agenda with the Town Manager Report placed in front of the Consent Calendar.

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

Announcement of Closed Sessions on June 1 and June 2, 2021

Mayor Ackerman announced the Council made a recommendation and gave direction to staff at the June 1st Closed Session meeting. There was nothing to report for tonight's Closed Session.

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Town Manager Toy stated that the Ross Valley Community Liaison is Vice Mayor Hellman and the Superintendent has organized a committee that will meet quarterly.

The meeting was dedicated to the victims of the Tulsa Massacre and to George Floyd.

Open Time for Public Expression

Cindy Ross expressed concerns about the odors and fumes from the Coin Washing Well at Fairfax Plaza and asked that the matter be added to an agenda.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report and update on activities of the Ross Valley Seniors and Age Friendly Fairfax.

Gabe, son of Cindy Ross, supported his mother's concerns regarding the health and environmental impacts of the laundromat fumes, and asked that they be taken seriously.

Walt Vernon, Climate Action Committee, discussed the Climate Action Plan and stated the committee has an information table at the Farmers Market, and invited new members to join.

Richard Applebaum supported Cindy Ross's concerns.

Rick Hamer opposed the year-long extension of the temporary parklets and would prefer the temporary structures undergo Code review.

Frank Egger asked the Town to enforce the Transient Occupancy Tax (TOT) against short-term rentals such as Airbnb.

Deborah Benson supported previous speakers Rick Hamer and Cindy Ross. She had concerns about the RESJ and PPPSA.

Michael Mackintosh supported Cindy Ross' comments. He stated closed session direction to staff should be made public.

John Romaidis stated the RESJ and PPPSA should be subject to the Brown Act.

Jane Richardson opposed the "parklet" issue being decided without a public forum.

Mark Bell opposed the Land Acknowledgement printed on every agenda.

Town Manager's Report

Town Manager Toy reported the survey regarding the use of downtown public spaces will be available soon. Staff received another bid for the Cascade Striping Project. The target date is the week of June 14th.

Consent Calendar

1. Receive Financial Statement and Disbursement Reports April 2021- Finance Director

2. Receive written report on Councilmembers' assignments, committee, and activities in May- Town Clerk
3. Approve minutes for the March 26, 2021, Town Council Special meeting and the April 21, 2021 Town Council-Planning Commission Special Joint meeting- Town Clerk
4. Adopt a Resolution Proclaiming June 2021 as LGBTQ+ Pride Month and Approving Flying the Pride Flag at Town Hall for the month of June- Town Manager
5. Authorize the Town Manager and/or Police Chief to execute Memorandum of Understanding (MOU's) for the 2021/23 Marin Operational Area with the County of Marin and for the 2021/23 Emergency Operations Center and Operational Emergency Management Services with the County of Marin Sheriff's office- Town Manager
6. Adopt a Resolution Adopting the revised Climate Action Plan- Town Clerk
7. Adopt a Resolution Approving the List of Projects Funded by SB 1: The Road Repair and Accountability Act for Fiscal Year 2021/22- Town Manager

The Council noted the March 26 minutes did not reflect the public comment made by Al Baylaq. It was suggested that there be no end date to the resolution in Item #4.

Mayor Ackerman opened public comment.

Dr. Jody Timms asked that the Pride flag be displayed now, without waiting for a flagpole.

Michael Mackintosh repeated his Open Time comment.

Mark Bell made a comment on the Town Manager's report.

Mayor Ackerman closed the meeting to public comments.

M/s, Coler/Hellman, Motion to approve the Consent Calendar with the edits to the March 26 minutes, the edits to the resolution in item #4 as suggested, and to remove item #6 and place it on after the Public Hearings on this agenda.

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

Public Hearings

8. 63 Spring Lane: Appeal of Planning Commission action approving a Hill Area Residential Development, Design Review, Tree Removal, and Excavation Permits and a Retaining Wall Height Variance, to allow the construction of a three story, 2,511 square foot, 3-bedroom, 2 ½ bathroom single-family residence with an attached 648 square foot garage/storage; Assessor's Parcel No. 002-174-05; Residential Single-family RS-6 Zone; Stacy and John Peoples, owners; Noel Bouey, appellant; CEQA Categorically exempt per Section 15303(a)- Principal Planner

Principal Planner Neal presented the staff report and answered questions from Council.

The Council disclosed that they each had visited the project site with staff.

Mayor Ackerman opened the Public Hearing.

Noel Bouey, appellant, lives below the project. He had no objection to the project, but was concerned that the plans submitted to the Planning Commission were not the final plans and issues would be addressed by the Planning Department. He discussed the issues of concern including the 15-foot retaining wall, road access, the driveway's use of the unpaved portion of the road, easement for utilities, the width of the road, and the drainage.

Frank Egger, Meadow Way, stated the application ignored issues of future development of other properties. He stated the site did not meet Town Code requirements for frontage on a public street and for pavement width.

Stacy Peoples, project owner, thanked staff and stated the project complied with the Code.

Doug Thompson, project architect, clarified a few items including the retaining wall height and materials, fire truck access, the driveway design and road width, and the grading and drainage.

Principal Planner Neal stated Condition #2 could be modified to say: "Use of the unpaved portion of the Spring Lane roadway for storage of construction materials and/or employee parking shall be limited to maintaining at least 10 feet of unobstructed road width to allow access to the properties east of the project site by standard vehicles."

Deborah Benson was concerned that the Planning Commission grants too many variances.

Mr. Bouey, appellant, asked for clarification from staff regarding Mr. Egger's comments.

Principal Planner Neal stated the Subdivision Ordinance is being followed. The parcel was legally created and has frontage on a street easement, and they can access their parcel from the existing improved Spring Lane right-of-way. She stated no variance was requested.

Mr. Bouey, appellant, stated a variance had been granted for the retaining wall.

Mr. Thompson stated they looked at options for the fire truck turning radius including a hammerhead. He discussed how they did not want the starting point of the turning radius to start lower down Spring Lane which would push the cut further into the hill.

Mayor Ackerman closed the Public Hearing.

Councilmember Cutrano had a question about slides in the area and drainage.

M/s, Coler/Goddard, Motion to uphold the February 18, 2021 decision of the Planning Commission, and adopt the attached resolution with the change indicated on page 4, under the second "Whereas" it should say: "Use of the unpaved portion of the Spring Lane roadway for storage of construction materials and/or employee parking shall be limited to maintaining at least 10 feet of unobstructed road width to allow access to the properties east of the project site by standard vehicles"; the addition of two new conditions, one of those conditions has two parts, and a clarification of the previous Planning Commission Condition approving Application #21-03 for construction of a new single-family residence at 63 Spring Lane.

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

The Council took a 6-minute break at 9:02 p.m.

9. Introduce and first reading by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.020 and Adding Section 17.020.030(c) to Include the Requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or

or the Alteration of a Significant Design Element Which is a Part of the Design of the Building in All Zones Except RD 5.5-7, RS 6, RS 7.5, UR 7 and UR 10; Exempt from CEQA Pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), 15305, and 15378 (continued from May 5, 2021 Council meeting)- Principal Planner

Principal Planner Neal presented the staff report. She referred to the resolution and suggested the following revisions: The third "Whereas" should read: "The exterior color.....commercially developed *and multiple family residential, Senior Multi-Family Residential, and Planned Development District zoned properties...*". The last sentence of the fourth "Whereas" should read: "Incorporating...commercial areas *and Multiple Family Residential, Senior Multi-Family Residential, and Planned Development District zoned properties...*".

Principal Planner Neal replied to questions from the Council regarding adding the language to other zoning districts, and stated the list should include Limited Commercial, Highway Commercial, Central Commercial, Service Commercial, Recreation Commercial, Multiple Family Residential, Planned Development District, and Senior Multi-Family Residential.

Councilmember Goddard asked about the criteria that the Planning Commission would consider when reviewing a color choice. Principal Planner Neal stated the criteria are listed in the Design Review Section of the Code.

Mayor Ackerman opened the Public Hearing.

Frank Egger, Meadow Way, supported the ordinance and stated the codification company mistakenly had removed this section of the code.

Deborah Benson supported the ordinance.

Patrece Bryan supported the ordinance.

Mayor Ackerman closed the Public Hearing.

The Council discussed the use of vague and subjective descriptive words in the code and exclusionary zoning. The following changes to the ordinance were suggested: 1) In the third "Whereas": "The exterior color...maintain *an experience unique to Fairfax*" 2) Under the next "Whereas"; "Being able....historic *small scale of the built infrastructure* of the downtown...". 3) list the Land Use Element Goals but eliminate the titles.

M/s, Goddard/Cutrano, Motion to Introduce and waive first reading and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.020 and Adding Section 17.020.030(c) to Include the Requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element Which is a Part of the Design of the Building in All Zones incorporating the amendments as directed by Council.

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

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. 002-151-32; 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 July 7, 2021 meeting.

Regular Agenda

6. Adopt a Resolution Adopting the revised Climate Action Plan (CAP) - Town Clerk

Town Manager Toy presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Mark Bell made a comment about the previous item.

Deborah Benson agreed with Mark Bell's comments

Mayor Ackerman closed the public comment.

Councilmember Coler stated it would have been helpful if the Climate Action Committee (CAC) had made substantive responses to the public comments, and she would like to understand why some of her comments had not been incorporated.

Councilmember Cutrano stated some of his comments were not incorporated and he suggested Councilmember Coler work with the CAC representatives.

Dr. Jody Timms, CAC, stated the subcommittee and CAC discussed all public and Council comments and made decisions about whether to incorporate them into the document.

Town Manager Toy clarified that if a CAC goal is inconsistent with what the Council wants, they would need to get key Council direction.

Consensus was reached for Walt Vernon and Jody Timms, CAC, to meet with Councilmembers Coler and Cutrano to resolve issues.

M/s, Coler/Cutrano, Motion to continue this item to the July 7th Council meeting.

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

The Mayor reviewed the agenda pursuant to the 10:00 rule, and Council agreed to proceed with the remaining two items.

11. Discuss/consider report on data collected to evaluate the 6-month pilot program of two Council meetings per month; consider proposed schedule for Special Council meetings through December 2021; and provide direction to staff

Town Manager Toy presented the staff report.

In response to questions from Council, Town Clerk Gardner explained how the data was collected and further clarified data points.

The Council discussed the importance of presentations, keeping the Special Meeting to a minimum number of agenda items, and cancelling special meetings when not needed.

Mayor Ackerman opened the meeting to public comments.

Richard Applebaum asked if the goal was to cover more topics or to become more efficient.

Mark Bell stated the Council could be more efficient in their comments, and not weigh in on an issue unless they were offering a new point of view.

Mayor Ackerman closed the meeting to public comments.

M/s, Goddard/Coler, Motion to direct staff to implement the staff recommended schedule for the next six months.

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

12. Appoint a Councilmember to the Racial Equity and Social Justice Committee (RESJ) - Town Manager

Town Manager Toy presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Richard Applebaum supported appointment of any of the Councilmembers.

Alexandra, RESJ, supported the appointment Councilmember Goddard or Cutrano.

Mark Bell made a comment on the RESJ Committee's accomplishments.

Veronica Geretz, RESJ, supported the appointment of Councilmember Goddard or Cutrano.

Naomi Alessandra supported the appointment of Councilmember Goddard or Cutrano.

Mayor Ackerman closed the meeting to public comments.

M/s, Coler/Goddard, Motion to appoint Councilmember Cutrano to the RESJ.

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

Council Reports and Comments

Mayor Ackerman noted written reports were in the packet.

Future Agenda Items

There were no items.

M/s, Coler/Cutrano, Motion to adjourn the meeting at 11:37 p.m. in memory of Jolie Egger Elan.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary

Draft
Town Council and Racial Equity and Social Justice Committee
Special Joint Meeting Study Session Minutes
Via teleconference due to COVID-19
Wednesday, **June 16, 2021**

Mayor Ackerman called the Special Meeting to order at 5:00 p.m.

Call to Order/Roll Call:

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

COMMITTEE MEMBERS PRESENT Alexandra Rosen (Chair)
Lisel Blash
Veronica Geretz
Tayu Neogy

COMMITTEE MEMBERS ABSENT: Serena Campbell
Sophia Martin

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 submitted.

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

Regular Agenda

1. Conduct a Joint Study Session with the Racial Equity and Social Justice (“RESJ”) to discuss budgetary issues, operational issues, and requests regarding the structure of the committee and subcommittee subject to the Brown Act- Town Manager

The Town Council and the RESJ conducted a study session. The Mayor noted that he and Councilmember Cutrano are the Council liaisons to the RESJ.

The RESJ budget allocation of \$50,000 for Fiscal Year 2021-22 was discussed. The RESJ had submitted funding requests as follows: 1) \$65,000 for facilitation; 2) \$5,000 for survey of residents by the Police Practices Committee on policing; 3) RESJ Policy Subcommittee asked for a \$22,500 grant program for small business owner of color; 4) RESJ Community Education and Outreach Subcommittee asked for \$4,320 for materials and speakers for events; 5) \$20,000 for property owners to search deeds for illegal covenants. The RESJ was ready to engage in fundraising for the committee.

The Council noted that they were waiting to see what the County would do regarding the racial covenant work before allocating money to that program.

The RESJ raised the idea of paying people of color for their perspectives and experiences was raised, both in terms of the RESJ members and paying speakers at events.

The RESJ Community Engagement Subcommittee was planning fundraising efforts to replenish the budget.

The RESJ requested that PPPSA Subcommittee be removed from the requirements of the Brown Act because of the harm and the controversy it is causing. The PPPSA would report out at RESJ meetings, which are subject to the Brown Act. The goal is for the PPPSA to be more effective and efficient.

Town Attorney Coleson referred to the Government Code and stated that the PPPSA is not subject to the Brown Act unless the Council wants it to be. She noted the recording issue is separate and not part of the Brown Act.

Mayor Ackerman opened the meeting to public comments.

George (Geo) Taylor supported conversations in public and having a facilitator.

Patrece Bryan expressed concerned at the committee's lack of progress.

Mimi Newton supported stronger direction from the Council as to what both committees need to accomplish.

Ling-Shien Bell supported the comments of Patrece Bryan.

Mark Bell stated the last RESJ meeting did not allow for proper public comments.

Joe McGarry supported RESJ and their budget requests. The PPPSA should not be subject to the Brown Act.

Eva Chrysanthe stated she would rather see the Police Budget lowered rather than used as a justification for something that should be a volunteer effort.

Jane Richardson Mack was concerned that the Council supports the RESJ's requests. The PPPSA should be subject to the Brown Act.

Richard Applebaum supported the RESJ. He suggested the committee's Mission Statement and Goals be posted on the website.

Frank Egger, Meadow Way, supported the PPPSA Subcommittee being subject to the Brown Act.

Mayor Ackerman closed the meeting to public comments.

Councilmember Coler suggested the Council add this discussion to the July meeting agenda so they could make decisions.

Chair Rosen stated she was resigning from the PPPSA.

The meeting was adjourned at 6:37 p.m.

Respectfully submitted,
Michele Gardner, Town Clerk

Draft
Fairfax Town Council Minutes
Special Meeting
Via teleconference due to COVID-19
June 16, 2021

Mayor Ackerman called the Special meeting to order at 6:45 p.m.

Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Chase Cutrano
Renee Goddard
Stephanie Hellman

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director
Ben Berto, Director, Planning and Building Services

Approval of Agenda and Affidavit of Posting

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

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

Report out on Closed Sessions (June 10 and June 16)

Mayor Ackerman reported the Council gave direction to staff at tonight's Closed Session. He referred to the Closed Session held on June 10th and stated there was no reportable action.

Announcements

Mayor Ackerman referred to the historic drought conditions and announced the request from Marin Municipal Water District for a 40% reduction in the use of water.

Consent Calendar

1. Adopt five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2021/22- Finance Director
 - a. Resolution Setting the Amount of \$200 for the Special Municipal Services Tax for Fiscal Year 2021/22
 - b. Resolution Setting the Utility Users' Tax Rate of 4% for Fiscal Year 2021/22
 - c. Resolution Setting the Pension Tax Rate of \$.91 per \$100 of assessed value to Support Fairfax Pension Obligations for Fiscal Year 2021/22
 - d. Resolution Setting a Fee of \$15 per run-off unit for the Purpose of Funding Local Stormwater Pollution Prevention Activities for Fiscal Year 2021/22
 - e. Resolution Setting the Tax Rate of \$.0265 per assessed valuation for the General Obligation Bonds (Measure K Bond Assessment) for Fiscal Year 2021/22
2. Adopt a resolution confirming and levying the Ross Valley Paramedic Authority (RVPA) tax in

the amount of \$87.50 for Fiscal Year 2021/22- Town Manager

3. Adopt a resolution Continuing Expenditures and Revenues in Accordance with the Fiscal Year 2020/21 Town Budget and Continuing the Fiscal Year 2021/22 Town Budget Adoption- Town Manager, Finance Director
4. Appoint Brett Kelly to fill an unexpired term on the Planning Commission- Town Manager
5. Authorize the Town Manager to create and implement a vegetation management grant program to assist senior and low-income households and allocate an initial \$25,000 to the program- Town Manager
6. Adopt a resolution authorizing the Town Manager or his/her designee to execute grant funding contracts/agreements with California Department of Transportation (Caltrans) for projects such as the highway bridge program- Town Manager
7. Authorize the Town Manager to prepare and submit the Fiscal Year 2021/22 work plan to Marin County for the use of the Town's Measure A Park Funds- Town Clerk
8. Receive report comparing current municipal code regarding the duties and responsibilities of The Town Manager to the previous code for Town Administrator- Town Manager

Councilmember Hellman asked that item #5 be pulled for discussion.

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

M/S, Goddard/Cutrano, Motion to approve the agenda, pulling item #5 and placing it at the end of the agenda.

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

Public Hearings

9. Discuss/consider Fiscal Year 2021/22 Proposed Operating and Capital Improvement Budget and provide direction to staff- Town Manager, Finance Director

Town Manager Toy presented a staff report and PowerPoint presentation.

He answered questions regarding the possibility of renting a facility for classes during the Pavilion renovation; how much of the Capital Improvement Program (CIP) Budget is eligible for American Rescue Plan funds; whether 5-year projections include TOT funds; assumptions for growth with respect to real estate.

Mayor Ackerman opened the Public Hearing.

Mark Bell supported adding \$20,000 to the allocation for clearing paths.

Jane Richardson agreed with the previous speaker and added she opposed any reduction in the Police Department budget.

Joe McGarry was concerned that Police Department personnel costs increased and advocated the policy of defunding the Police Department.

Eva Chrysanthe agreed with the previous speaker and suggested moving Police funds to the Fire Department budget.

Frank Egger, Meadow Way, stated the Transit Occupancy Tax (TOT) applies to AirBnB and other short-term rentals. He opposed a reduction in the Police Department budget and noted that during a fire the Police are in charge of evacuation.

Patrece Bryan agreed that this is not the time to reduce the Police Department budget.

Mimi Newton agreed with the previous speaker.

John Romaidis opposed defunding the Police Department or giving the RESJ any more money.

Deborah Benson supported the Fairfax Police Department.

Richard Applebaum supported the budget prioritizing the concerns about drought and high fire risk.

Eilo supported allocating more funds to the Fire Department.

Brian Poindexter supported prioritizing fire protection in the budget. He also supported the RESJ budget.

Mayor Ackerman closed the Public Hearing. He noted that there was a supplement to the packet: the Budget Message. He also noted the \$20,000 for trails referred to during the public hearing was in addition to the existing \$50,000 allocation.

The Council supported allocating \$33,000 to the County homelessness effort (on the federal stimulus sheet) and adding \$10,000 to the Neighborhood Response Group (NRG) Coordinator position.

Regular Agenda

10. Adopt Urgency Ordinance barring residential evictions due to impacts from the Public Health Emergency arising from COVID-19 virus through September 30, 2021; CEQA Exempt under CEQA Guidelines Section 15061(b)(3)

Town Manager Toy presented a staff report. He noted a 4/5th vote is required to pass an Urgency Ordinance.

Councilmember Goddard asked about extending an Urgency Ordinance. Town Attorney Coleson stated they could extend this ordinance in September.

Mayor Ackerman opened the public comment.

Richard Applebaum supported extending the ordinance to the end of the year.

Kathy was concerned that landlords and property owners are having to support tenants.

Lisel Blash supported the eviction moratorium.

Mayor Ackerman closed the public comment.

Councilmember Coler supported the September 30th date and noted the rental assistance was paid to the landlords.

In response to a question from Councilmember Cutrano asked about the Town's local residential rental assistance funding, Town Manager Toy stated approximately \$20,000 was left out of the \$60,000 the Council had budgeted.

M/S, Cutrano/Coler, Motion to Introduce and Adopt an Urgency Ordinance entitled "An Urgency Ordinance of the Town Council of the Town of Fairfax Temporarily Prohibiting Residential Evictions without Cause through September 30, 2021.

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

The Council took a 5-minute break at 8:40 p.m.

11. Introduction of an ordinance amending Municipal Code Chapter 2.12: "Town Manager" to remove the requirement that the Town Manager be a resident of Marin County; CEQA exempt pursuant to CEQA Guidelines Section 15061(b)(3)

Town Manager Toy presented a staff report.

Mayor Ackerman opened the meeting to public comments.

Frank Egger, Meadow Way, was opposed to amending the ordinance.

Richard Applebaum supported a residency requirement within 18 months of hiring.

John Romaidis supported a residency requirement within 180 days of hiring.

Lisel Blash stated there would be a wider pool of candidates if they recruited from outside of Marin County.

Deborah Benson supported a Marin County residency requirement within a window of hiring.

Ling Shien Bell supported a Marin County residency requirement.

Jane Richardson supported a Town Manager who is from Marin County.

Mark Bell supported a residency requirement.

Mayor Ackerman closed the meeting to public comments.

Mayor Ackerman stated the Council was still figuring out what the process will be for recruitment.

Town Attorney Coleson stated that while many cities have this requirement, it would most likely be found unconstitutional. Removing the residency requirement provides flexibility and the Council can always negotiate with a candidate.

The Council discussed agreed that while ideally the Town Manager would live in Marin County, from a recruitment standpoint there were challenges such as the high cost of living in Marin County, the Town's low salaries.

M/S, Coler/Goddard, Motion to Introduction and read by title only an Ordinance of the Town Council of the Town of Fairfax amending the Municipal Code removing Subsection B from Section 2.12.030, "Residency Requirement", to remove the requirement that the Town Manager be a resident of Marin County.

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

5. Authorize the Town Manager to create and implement a vegetation management grant program to assist senior and low-income households and allocate an initial \$25,000 to the program- Town Manager

Town Manager Toy presented a staff report. He noted that this program was to fill the gap until Marin Wildfire Protection Agency (MWPA) program was in place (next year probably).

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

The Council reached consensus on Councilmember Goddard and Vice Mayor Hellman meeting with the Town Manager to work out the details before bringing it back to Council next month.

Council Reports and Comments

Mayor Ackerman stated these reports were included in written form in the packets.

Town Manager's Report

Town Manager Toy reported on the American Rescue Plan Act. The Town will receive a total of \$1.8 million, to be spent on "eligible expenditures." The Budget has a specific fund so that the Town can track expenses, which will need to be reported at the end of the program.

Future Agenda Items

Vice Mayor Hellman asked that the appeal of the RHNA numbers be added to the agenda. The Town Manger replied that the appeal had been filed administratively online.

Councilmember Cutrano asked that consideration of the PPPSA no longer being subject to the Brown Act be added to the August 4th agenda.

Councilmember Goddard asked about the idea of a rent freeze. The Council agreed to revisit the idea after the eviction moratorium expired.

M/S, Coler/Cutrano Motion to adjourn the meeting at 10:03 p.m.

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

Respectfully submitted,
Michele Gardner, Town Clerk