

Fairfax Town Council Minutes  
**Special Town Council Meeting**  
Via teleconference due to COVID-19  
Wednesday, October 20, 2021

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

Call to Order/Roll Call:

**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  
Ben Berto, Planning Director  
Jonathon Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

Mayor Ackerman noted item #10 would be continued.

M/S, Goddard/Cutrano, Motion to approve the affidavit of posting and the agenda with the continuation of item #10.

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

Report out on Closed Session

Mayor Ackerman reported the Closed Session topics.

Land Acknowledgment

Consent Calendar

1. Receive report on Vegetation Management Grant Program- Recreation and Community Services Manager
2. Receive Quarterly Report on Recreation and Community Services Activities from July-September 2021- Recreation and Community Services Manager
3. Adopt a Proclamation in memory of Phyllis Gould (Rosie the Riveter)- Councilmember Coler
4. Approve Sponsorship of Temporary Closure of Dominga and Napa Avenues Following the Halloween Parade- Town Clerk
5. Receive update on the Town Manager recruitment, and appoint two members of the Town Council to serve on an ad-hoc subcommittee for the Public Works Director recruitment materials- Interim Town Manager
6. Receive results of the Skatepark Survey, the Parks and Recreation Commission's recommendation regarding the location of a permanent skatepark, and next steps-

Recreation and Community Services Manager, Communications Specialists, Interim Public Works Director

7. Receive Quarterly Public Works Update- Interim Public Works Director

Councilmember Hellman asked to pull item #6 for discussion.

Mayor Ackerman opened the meeting to public comments, and, seeing none, closed the meeting to public comments.

Councilmember Coler read the Proclamation in memory of Phyllis Gould, Rosie the Riveter.

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the removal of item #6 to the end of the agenda for discussion.

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

Regular Agenda

8. Receive Countywide Fair Housing Initiatives and Restrictive Covenant Presentation by Marin County Social Equity Program and Policy Coordinator Liz Darby and Senior Planner Jillian Zeiger, and receive Housing/Safety Element Status Update- Planning Director

Planning Director Berto presented a staff report.

Planner Zeiger and Coordinator Darby gave a PowerPoint presentation that included the following: 1) Marin County Restrictive Covenant Project; 2) A bold social experiment in racial relations; 3) National Housing Act of 1949; 4) Redlining; 5) Historical effects of racial discrimination; 6) Wealth inequity; 7) County Assessor-Recorders Office; 8) Community Development Agency; 9) Website; 10) Marin County Housing and Safety Elements; 11) Fair Housing Laws; 12) California Fair Employment and Housing Act (FWHA); 13) Fair Housing Choice; 14) Summary of AB686 Requirements; 15) Important components of meaningful engagement; 16) Outreach; 17) Community engagement strategies; 18) Assessment of fair housing; 19) Site inventory; 20) Identify and prioritize contributing factors; 21) Goals and Actions; 22) Truly integrated and balanced living patterns; 23) Fairfax racial breakdown over time; 24) Housing stock and housing units built by year; 25) Overcrowding by tenure, number of bedrooms by housing tenure; 26) Income level to qualify for affordable housing in Marin County; 27) Household income distributed by race; 28) County Fair Housing Initiatives.

They answered questions regarding public engagement and outreach; funding from the County; the map of the restricted covenants; outreach to homeowners of homes built before the 1970's; implementation of AB 686; site inventory; objective guidelines or criteria for assessing Housing Element goals, policies, and actions related to fair housing

Ande Flower, representing EMC Planning Group, gave a PowerPoint presentation that included the following: 1) Progress and next steps for Town of Fairfax 6<sup>th</sup> Cycle Housing Element Update; 2) Assessment of fair housing in Housing Element; 3) Upcoming meetings and next steps; 4) Town Council Meeting November 3<sup>rd</sup>; 5) Virtual Community Workshop November 20<sup>th</sup>; 6) Fairfaxspeaks.com.

Mr. Flower answered questions regarding community engagement and education; the number and content of post card; a communication plan; site inventory assessment; and number of registrants for Fairfaxspeaks;

Mayor Ackerman opened the meeting to public comments and seeing none, closed the meeting to public comments.

Councilmember Goddard asked staff to post information about the Restrictive Covenant Project on the Website and in the Town Newsletter.

Councilmember Cutrano asked staff to incorporate the County links on Fairfaxspeaks.

Councilmember Hellman would like the Council to form an ad hoc working group to work with staff and the consultants on outreach and communications. She and Councilmember Cutrano volunteered to serve.

M/S, Coler/Goddard, Motion to appoint Councilmembers Cutrano and Hellman to an ad hoc working group on outreach and communications for the Housing Element.

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

9. Introduce by title only an Ordinance Amending Chapter 8.44 of Title 8 of the Fairfax Municipal Code, entitled "Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations" to Address Smoking in Multi-Use Residences: CEQA Exempt under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3)- Town Attorney, Administrative Analyst

Councilmember Coler presented a report. She answered questions about the effective date of the ordinance and if communal spaces for smoking could exist.

Bob Curry, representing the County Smoking Cessation Program, discussed the ordinance.

Mayor Ackerman opened the meeting to public comments.

Isabella Castella, member of the Youth Advisory Council (YAC), Pam Granger, representing Tobacco Free Sonoma, Elizabeth Emerson and Anita Rensety, representing the Smoke Free Marin Coalition, supported the Ordinance.

Rick Hamer asked a question about smoking areas.

Mayor Ackerman closed the meeting to public comments.

M/S, Coler/Goddard, Motion to Introduce and read by title only an Ordinance Amending Chapter 8.44 of Title 8 of the Fairfax Municipal Code, entitled "Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations" to Address Smoking in Multi-Use Residences.

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

The Council took a 10-minute break at 8:20 p.m.

10. Discussion and consideration of appropriating American Rescue Plan Act (ARPA) funds for the Fairfax Water Conservation Program (FWCP) as recommended by the Climate Action Committee- Interim Public Works Director

Mayor Ackerman stated this item was continued.

The Council took a seven-minute break at 8:23 pm.

11. Adoption of a Resolution Amending the General Plan to Replace the Terms "Community Character" and "Neighborhood Character" with more Specific Descriptions of the Intended Meaning of those Phrases- Planning Director, Administrative Analyst

Mayor Ackerman introduced Shelley Hamilton, who formerly served on the Fairfax Planning Commission and General Plan Advisory Committee. Shelley Hamilton presented a report and a PowerPoint presentation that included the following: 1) My personal journey; 2) Historical journey- "Character"; 3) General Plans, Land Use and Planning; 4) Community character in the General Plan. She answered questions from the Council regarding the meaning of certain terms and the process for amending the General Plan.

Mayor Ackerman opened the meeting to public comments.

Pamela Meigs suggested forming a General Plan Advisory Committee to review General Plan amendments.

Deborah Benson asked for more community outreach regarding the amendments.

Veronica Geretz, Jess Lerner, and Joe McGarry supported the proposed amendments.

Kirsten was concerned that the changes might open the Town up to development.

Kathy Flores read an email she had sent to the Council expressing concern that the changes would lessen the village character or small town feeling of Fairfax.

Bob Pendoley, retired city planner, stated the term "neighborhood character" had always seemed vague and possibly having a hidden meaning.

John Romaidis did not oppose modifying the General Plan but stated more public input was needed.

Jane Richardson Mack stated that this needed time to be vetted.

Frank Egger stated the words "small town character" defined Fairfax and had been used since the 1960's. He discussed the history of Fairfax.

Mark Bell was concerned about the replacement language.

Miriam Hamsa did not support the proposed language.

Mayor Ackerman closed the meeting to public comments.

Mayor Ackerman stated the intention was to clarify.

Councilmember Cutrano discussed how people of color continue to be disenfranchised in Marin. Terms such as "character" are ambiguous and need to be clarified. He asked Town Attorney Coleson if the suggested changes were substantive. Town Attorney Coleson no; they are word choices. There was nothing promoting development. There was no change in legal meaning.

Councilmember Coler stated there were just word changes, nothing substantive.

Councilmember Goddard stated the General Plan is a roadmap for progress.

Mayor Ackerman noted there were a few typographical edits needed.

M/S, Coler/Hellman, Motion to send this to the Planning Commission to review at its November meeting and bring it back to the Council in December.

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

6. Receive results of the Skatepark Survey, the Parks and Recreation Commission's recommendation regarding the location of a permanent skatepark, and next steps- Recreation and Community Services Manager, Communications Specialists, Interim Public Works Director

Interim Town Manager Politzer presented the staff report. Interim Public Works Director Goldman answered questions regarding circulation and the flow of traffic; safety inspections; potential issues; the timeline for the process; results from the community committee; details of the survey.

Mayor Ackerman opened the meeting to public comments and, seeing none, closed the meeting to public comments.

Councilmember Coler stated staff should develop the scope, schedule, and budget estimates for a permanent skatepark, and look at the current and future circulation issues. She would like staff to come back with a list of other locations PARC considered.

Mayor Ackerman supported Councilmember Coler's request.

Interim Manager Politzer stated staff would provide feedback on the other proposed locations, as well as cost.

M/S, Hellman/Cutrano, Motion to support the Parks and Recreation Commission's recommendation to establish this location as the permanent location.

AYES: Cutrano, Goddard, Hellman, Mayor Ackerman

NOES: Coler (through a roll call vote)

The meeting was adjourned at 10:20 p.m. in memory of Arthur Trapalis and Linda Marsala.

Respectfully submitted,  
Michele Gardner