

DRAFT
Fairfax Town Council Minutes
Special Meeting to Conduct
American Rescue Plan Act (“ARPA”) Workshop
July 1, 2021
By teleconference only due to COVID-19

Mayor Ackerman called the Special Meeting to order at 3:00 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
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

M/S, Coler/Cutrano, Motion to approve the agenda and affidavit of posting.
AYES: Ackerman, Coler, Cutrano, Goddard, Hellman (through a roll call vote)

Regular Agenda

1. Conduct workshop regarding the American Rescue Plan Act (ARPA)

The Council conducted a workshop on the American Rescue Plan Act. The Town Manager made a presentation regarding ARPA, including eligible expenses and restrictions; timeline for receipt of funds, obligation of funds, spending of funds, and reporting. He answered questions from Council and reviewed a worksheet of suggested uses. Suggested uses of funds included:

- Loss Revenue to the Town as defined by the SLRFP
- Storm Drain Pollution Control Improvements
- Homeless Case Management
- Mental Health Services (Countywide)
- Small Business Grants (e.g., outdoor spaces)
- SLRFP Administrative costs (in-house or 3rd party)
- Rental Assistance (replace General funds allocated to local program)
- Storm Drain repairs/improvements (Broadway)
- Premium Pay (limit 150% of county avg. wage)
- Home repairs (e.g., home hardening/weatherization programs)
- Water- gray water, recycled water projects/programs
- Outdoor spaces- restrooms janitorial/maintenance expenses
- Affordable housing assistance programs
- Climate resiliency programs

Mayor Ackerman opened public comment.

Walt Vernon, Climate Action Committee, suggested ideas related to climate change.

Jody Timms, Fairfax resident, suggested ideas related to older adults.

Mayor Ackerman closed public comment.

The Council discussed possible allocations, and requested staff to come back to the July 7, 2021, Town Council meeting with a staff report including a broad list reflecting the discussion, and the process for moving forward.

2. Receive Public Comment on the closed session matter below

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.
Agency designated representatives: Garrett Toy, Town Manager; Michael Vivrette, Finance Director.

Employee Organizations: SEIU Local 1021 (Fairfax non-management employees); Fairfax Police Officers Association; and non-represented Management Employees.

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

The Council adjourned to closed session at 4:25 p.m.

Respectfully submitted,

Michele Gardner
Town Clerk

DRAFT

Fairfax Town Council Minutes
Regular Meeting
July 7, 2021
Via teleconference due to COVID-19

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

Call to Order/Roll Call: Regular Meeting

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

Approval of Agenda and Affidavit of Posting

M/s, Coler/Goddard, Motion to approve the Affidavit of Posting and the agenda moving #27 to before the Consent Calendar.

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

Announcement of July 1, 2021, Closed Session Action

Mayor Ackerman announced there was nothing to report.

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda.

Open Time for Public Expression

Minna Kim commented on the Elliot Nature Preserve and the last Open Space Committee meeting.

Linda Novy commented on the last Open Space Committee meeting discussion on sustainable mountain bike practices.

Joe McGarry, speaking on behalf of Rethink Police, discussed lack of transparency of Police Department arrest records.

Walt Vernon, representing the Climate Action Committee, urged everyone to save water and sign up for Deep Green.

Patrece Bryan disagreed with previous speaker Mr. McGarry's comments.

Linda B. opposed the Marin County Bridge Project in the Elliot Nature Preserve.

John Romaidis opposed the idea of the RESJ interviewing potential members to make a recommendation to the Council.

Richard Applebaum commented on differences of opinion between Town residents.

Lisel Blash, speaking as a resident and not as a RESJ member, stated that being an inclusive community took work.

Jane Richardson Mack supported the Fairfax Police Department and had concerns about the RESJ committee.

Mark Bell agreed with the comments made by the previous speaker.

Brian Poindexter quoted a passage from the book *White Fragility*.

Kathy Flores had concerns about the RESJ committee.

Danette Citti had concerns about the RESJ committee.

Veronica Geretz supported the RESJ committee.

Deborah Benson had concerns about the RESJ and PPPSA committees.

Chris supported the RESJ committee.

Regular Agenda

1. Ratification of appointment of Rico Tabaranza as Fairfax Chief of Police and approval of Police Chief employment contract

Town Manager Toy presented the staff report, delivered a summary of the salary, and answered questions from Council.

Mayor Ackerman opened the meeting to public comments.

Deborah Benson, Mimi Newton, Patrece Bryan, Pam Meigs, Steven Keese, Jane Richardson Mack, John Romaidis, Joe McGarry, and former Fairfax Police Chief Chris Morin supported the appointment of Rico Tabaranza.

Lisel Blash commented on another matter.

Veronica Geretz congratulated Chief Tabaranza.

Mayor Ackerman closed the meeting to public comments.

M/s, Coler/Goddard, Motion to ratify the appointment of Interim Police Chief Rico Tabaranza to the permanent Police Chief position and to approve the employment agreement with Chief Tabaranza.

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

2. Adopt resolution to appoint and approve contract for interim Town Manager- Town

Manager

Town Manager Toy presented the staff report and answered questions from Council. He confirmed that a CalPERS retiree could work up to 960 hours.

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

M/s, Coler/Hellman, Motion to adopt resolution to appoint and approve the contract with Adam Politzer to be Interim Town Manager with an hourly rate of \$100.53.

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

Mr. Adam Politzer stated he was pleased to work with a very talented team of employees.

3. Administer Oath of Office to newly appointed officials- Town Clerk

Town Clerk Gardner administered the Oath of Office to Fairfax Police Chief Tabaranza.

Police Chief Tabaranza thanked the Council for the opportunity to serve the Town as Chief of Police.

Adopt a Proclamation in Honor of Garrett Toy- Mayor Ackerman

Mayor Ackerman read the Proclamation aloud.

Town Clerk Gardner presented Town Manager Toy with a gift from the Town Hall staff.

Mayor Ackerman opened the public comment.

John Romaidis, Jane Richardson Mack, Lisa Jimenez, and Anne Mannes wished Town Manager Toy well.

Mayor Ackerman closed the public comment.

Each Councilmember thanked the Town Manager for his service.

M/s, Coler/Goddard, Motion to adopt the proclamation in honor of Garrett Toy.

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

The Council took a 5-minute break at 9:15 p.m.

Regular Agenda

27. Discuss and consider request of the Racial Equity and Social Justice Committee (RESJ) to allow the RESJ's Police Practices and Public Safety Alternatives (PPPSA) Subcommittee to not be subject to the Brown Act and direct staff as appropriate- Town Manager

Town Manager Toy presented the staff report and answered questions from Council.

Mayor Ackerman opened the meeting to public comments.

Kevin Curtis, San Anselmo, read aloud from the Government Code regarding legislative bodies.

John Romaidis, Frank Egger, Jane Richardson Mack, Deborah Benson, and Mark Bell stated the PPPSA should be subject to the Brown Act.

Laurie Berliner, Fairfax, was concerned about how RESJ members conducted themselves.

Naomi Alessandra, Brian Poindexter, Joe McGarry, Jessie Lumb, Zianah Griffin, Richard Applebaum, and Veronica Geretz, supported lifting the Brown Act requirement from the PPPSA.

Lisa Jimenez asked that the community members most impacted by racism be listened to.

Ling Shien Bell discussed the resignation of a RESJ member.

Patrece Bryan had concerns about the RESJ.

Veronica Geretz announced an event.

Mimi Newton supported the comments made by previous speaker Patrece Bryan.

Mayor Ackerman closed the public comment.

Town Attorney Coleson discussed the definitions of legislative bodies, subcommittees, and standing committees.

The Council noted that the Brown Act's goal was to have meetings open to the public and there was a lot of public interest in the PPPSA. However, not being subject to the Brown Act would allow the subcommittee to work more efficiently.

M/s, Goddard/Cutrano, Motion to allow the RESJ's Police Practices and Public Safety Alternatives Subcommittee to not be subject to the Brown Act.

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

NOES: Coler

Mayor Ackerman reviewed the agenda pursuant to the ten o'clock rule.

M/s, Coler/Cutrano, Motion to continue item #28 to the August meeting.

AYES: Coler, Cutrano, Goddard, Mayor Ackerman

NOES: Hellman (through a roll call vote)

Consent Calendar

5. Receive Financial Statement and Disbursement Reports May 2021- Finance Director
6. Receive report on Councilmembers' assignments, committee, and activities in June- Town Clerk
7. Approve minutes for the April 7, 2021 Town Council meeting- Town Clerk
8. Adopt Resolution Adopting the revised Climate Action Plan (CAP)- Town Manager
9. Authorize the Town Manager to create and implement a vegetation management grant program to assist seniors, disabled, and lower income households- Town Manager
10. Adopt Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year

July 1, 2021 through June 30, 2022, and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith- Town Manager, Finance Director

11. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year 2021/22- Town Manager
12. Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers for Fairfax to the Association of Bay Area Governments- Town Manager, Planning Director
13. Approve schedule for the Town Council and Planning Commission to return to in-person meetings in September and allow for Town Board, Commissions, and Committees to return to in-person meetings beginning as soon as July- Town Manager
14. Adopt a Resolution extending the Marin County Abandoned Vehicle Abatement Vehicle Registration Fee until April 2032- Town Manager
15. Approve Agreement with Ralph Anderson and Associates for Recruitment Services for Town Manager and Public Works Director- Town Manager
16. Approve Amendment No 9 to the master agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$142,150 for additional design and right-of-way (ROW) services for the Creek Road Seismic Retrofit and Bridge Preventive Maintenance Program (BPMP-Canyon, Marin, Spruce) bridge projects- Town Manager
17. Ratify letter sent by the mayor in opposition to Assembly Bill 537 which would allow Wireless companies to construct wireless facilities without local permits- Town Manager
18. Ratify letter sent by the mayor in opposition to Assembly Bill 215 (Chiu), which would create a new, mid-cycle regional housing needs progress determination process- Town Manager
19. Receive report from the Parks and Recreation Commission (PARC) regarding locations for a permanent skate park and defer discussion to a future Council meeting- Town Manager
20. Approve reopening of the Mono Parking Lot in August 2021- Town Manager
21. Authorize the Town Manager to enter into an agreement with the County of Marin to provide funding for homeless case management in an amount not to exceed \$33,000- Town Manager
22. Receive report on the Council's workshop to discuss the allocation of funding to be received from the American Rescue Plan- Town Manager
23. Notice of Amendments to the Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) for the period July 1, 2021 through June 30, 2022 (Note: No Council action to be taken at this meeting)- Town Manager
24. Notice of Amendments to the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the period of July 1, 2021 through June 30, 2022- Town Manager

25. Notice of Amendments to the Resolution Establishing Wages and Benefits for Management, Confidential, and Part-Time Employees for the period July 1, 2021 through June 30, 2022- Town Manager

The Council made comments on items #8, #9, #15, and #20, and asked questions about items #13, #15, and #20.

Mayor Ackerman opened the public comment.

Frank Egger referred to item #15 and confirmed the agreement did not set salaries for the two positions.

Mayor Ackerman closed the public comment.

M/s, Coler/Hellman, Motion to approve the Consent Calendar including the supplements to items #23 and #25, the continuation of item #7 to the next meeting, and to pull item #12 for discussion and place it after the Consent Calendar.

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

Mayor Ackerman reviewed the agenda pursuant to the eleven-thirty rule.

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)

12. Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers for Fairfax to the Association of Bay Area Governments- Town Manager, Planning Director

Planning Director Berto presented the staff report.

In response to questions from Council, Planning Director Berto stated the Housing and Community Development Department (“HCD”) did not carry over overages or lack of achievement from previous RHNA cycles. Staff would work with EMC and legal counsel to determine what should go into the appeal, and would include numbers if required.

Vice Mayor Hellman noted the director’s name was misspelled in the letter.

Mayor Ackerman opened the meeting to public comments.

Frank Egger stated Fairfax should exercise its administrative remedy. Much of Fairfax was in the Wildland Urban Interface (WUI) Zone, and the map showing 2,178 potential sites should be revised.

Kevin Curtis asked the Council to review their October 13, 2020 letter to ABAG.

Lynn Yetter stated the impact to emergency evacuation was important.

Richard Applebaum was concerned this appeal was not being taken seriously.

Lisel Blash supported the appeal but also supported housing equity.

Mayor Ackerman closed the meeting to public comments.

Councilmember Cutrano stated the attachments' headings could be improved for clarity.

M/s, Goddard/Coler, Motion to Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers for Fairfax to the Association of Bay Area Governments with the typographical correction and clarifying the attachments.

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

Town Manager Toy stated he would work with the housing consultant to come up with a number.

Public Hearings

26. This item has been continued to the August 4, 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 August 4, 2021 meeting.

Regular Agenda

28. Introduce by title only an Ordinance Adding Chapter 15.05 entitled "All-Electric 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 Manager

Mayor Ackerman stated this item was continued to the August meeting.

29. Second reading by title only and adoption of 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 Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential- Senior Residential RM-S Zones; Exempt from CEQA Pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), 15305, and 15378- Principal Planner

Principal Planner Neal presented the staff report

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

M/s, Goddard/Cutrano, Motion to waive second reading and read by title only and adopt 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 Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential- Senior Residential RM-S Zones.

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

6.02.50 30. Second reading by title only and Adoption 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

Town Manager Toy presented the staff report.

Mayor Ackerman opened the public comment.

Richard Applebaum opposed the adoption. He supported a Marin County residency requirement at a minimum.

Frank Egger opposed the adoption. He supported a requirement for the Town Manager to move to Marin County within six months of appointment.

Mayor Ackerman closed the meeting to public comments.

M/s, Coler/Goddard, Motion to waive second reading and read by title only and Adopt an Ordinance of the Town Council of the Town of Fairfax removing Subsection B from Section 2.12.030," Residency Requirement".

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.

Town Manager's Report

Town Manager Toy stated the Town will receive the first \$900,000 tranche from the American Rescue Plan Act on July 13th. The second allotment will arrive in twelve months. Work will start on Bolinas Road tomorrow to repair the sink hole. He thanked everyone.

Future Agenda Items

The next ARPA discussion was added to September, to potentially include committee input with proposals or ideas.

A check in on the temporary skatepark and a permanent skatepark with survey results was added to October, with the survey to go out in August.

The meeting was adjourned at 1:30 a.m.

Respectfully submitted,

Michele Gardner,
Town Clerk

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