

Draft
Fairfax Town Council and Planning Commission Minutes
Special Joint Meeting to Conduct a Study Session
Via teleconference due to COVID-19
September 22, 2021

Mayor Ackerman called the Special Joint 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

COMMISSIONERS PRESENT Norma Fragoso
Philip Green
Robert Jansen
Brett Kelly
Mimi Newton
Cindy Swift

COMMISSIONERS ABSENT: Esther Gonzalez-Parber

STAFF MEMBERS PRESENT: Adam Politzer, Interim Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director

Approval of Agenda and Affidavit of Posting

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

Regular Agenda

1. Conduct a Joint Study Session with the Planning Commission to discuss Housing Element progress with a focus on how to involve and include the community in the site selection process to leverage opportunities and meet community desires; how to incorporate equity research into required meaningful actions (AB 686: Affirmatively Furthering Fair Housing); evacuation and safety concerns (fire/flood); the "Missing Middle" housing approach; an introduction to the Balancing Act Tool; and an update on public outreach and engagement efforts- Planning Director, EMC Planning Group

Planning Director Berto presented the staff report. Ande Flower, representing EMC, gave a PowerPoint presentation that included the following: 1) Progress and Next Steps for Town of Fairfax 6th Cycle Housing Element; 2) Importance of equity (AB 686); 3) Introduction to Balancing Act Tool; 4) Public Outreach and Engagement Update; 5) Regional Housing Needs Allocation (RHNA); 6) Key feedback from tonight's meeting; 7) Importance of equity; 8) Goals of AFFH; 9) Assessment of Fair Housing in Housing Element; 10) FairfaxSpeaks.com Website engagement; 11) Biggest concern poll responses; 12) Site analysis approach; 13) Evacuation and safety concerns; 14) Contribution to the

evaluation process; 15) Site options; 16) Safety Element; 17) “Missing Middle” housing concepts; 18) Affordable by design- tiny homes and micro-units; 19) Eco-village ideas; 20) List of sites.

Chris Adams and Amy Flynn, representing Balancing Act, gave a PowerPoint presentation that included the following: 1) Welcome to Balancing Act; 2) Let’s Talk Housing; 3) Map; 4) Total units; 5) Density allocations; 6) Create a housing plan; 7) Housing Element density simulation; 8) You do not have a housing plan; 9) You have a housing plan; 10) Housing impact demo.

Planning Director Berto and the consultants answered questions regarding the zoning map that was displayed from the prior Housing Element; changes to the title of the table; zoning for the St. Rita property; whether a Use Permit is required for residential in the Limited Commercial (CL) Zone; staff meetings with MMWD; acres/square feet column on the table and how the number of units was determined; why the White Hill School site was on the table; the “Missing Middle” approach; what extra due diligence for prior opportunity sites will look like; are densities based on the suburban designation at 20 or 30 units per acres; the definition of “historically disadvantaged communities”; how the Housing and Safety Elements will interface when looking at potential sites; specific plans for several sites such as St. Rita and Fairfax Market; has staff had conversations with property owners of the opportunity sites; can the tools be customized; size requirements for the Eco-Village; have the Opticos Objective Development Design Standards (ODDS) been made available to the public; how the pending evacuation study and Zonehaven will affect this process; the general outreach process; recommendations from the Affordable Housing Committee; three sites that are excluded.

Mayor Ackerman opened the meeting to public comments.

Peter asked if the software could be adapted to include wildfire egress concerns.

Lauren Temkin was opposed to development.

Rebecca Collins supported the process but was concerned about senior housing.

Holly Baade lives and works at School Street Plaza was not opposed.

Lisel Blash stated there was more to the Housing Element than just the RHNA numbers.

Patrece Bryan suggested consideration of vacant buildings and properties.

Frank Egger, speaking for Save Fairfax and Fairfax Tomorrow, recommended a live Town Hall meeting held at Contratti Field to discuss this issue.

Pam Meigs stated she would like to hear discussion about “character”.

Miriam Hamsa was interested in local preferences and concerned about evacuation in a fire.

Sharon Sagar was interested to hear more on impacts to traffic, infrastructure, and schools.

Michelle Rodriguez, Frustuck Avenue, emphasized that the number of sites identified be aligned with the RHNA allocation.

Michael Mackintosh stated the process should be inclusive and was concerned about the impacts on traffic and tax credits for affordable housing.

Kevin Curtis asked that the transportation aspect in the 2050 Bay Area Plan be included.

Deborah Benson, Cascade Drive, stated identifying illegal units should be step one.

Sam Lueck stated the amount of public engagement was too low. He does not have a lot of confidence in the process.

Shelley Hamilton suggested adding an equity and climate impact metric to the Balancing Tool.

Linn Walsh supported affordable housing and work force housing.

Allison McCracken suggested the Marin Town and Country Club property be considered.

Joe McGarry discussed the importance of equity and work force housing.

Lynn discussed the drought and how to get people involved.

Mark Bell stated the ABAG data is obsolete- people are leaving California.

Mayor Ackerman closed the meeting to public comments.

Ande Flower responded to questions regarding whether an EIR would be required, the November workshop, and the appeal timeline.

Commissioner Swift stated the maps need to identify streets; Fairfax Speaks is not the tool for increasing public engagement- there should be neighborhood meetings; work force housing criteria needed to be clarified.

Commissioner Green supported the creation of workforce housing; they need a design criteria that mimics surrounding housing; he would like a legal opinion on restricting work force housing to people working locally; he supported the housing sites list and map but was not sure why certain sites were excluded.

Vice Mayor Hellman asked about amnesty and a historic building review or analysis.

Commissioner Jansen noted tonight's public comments were varied and an executive summary should be prepared to clarify that all the components are being addressed.

Councilmember Cutrano discussed the importance of outreach, which could include direct mailers, door-hangers, and neighborhood specific engagement as suggested by Commissioner Swift.

Commission Chair Newton stated the number of units identified for sites was jarring; relying on affordability by design can be dangerous; the focus should be on mandating low-income, affordable housing.

Councilmember Goddard wanted to look at an inclusionary zoning ordinance and a short-term rental policy.

M/s, Coler/Goddard, Motion to adjourn the meeting at 9.00 p.m.

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

Respectfully submitted,
Michele Gardner, Town Clerk

DRAFT
Fairfax Town Council Minutes
Regular Meeting
Via teleconference due to COVID-19
October 6, 2021

Mayor Ackerman called the Special Meeting to order at 6:30 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 Jackie Engstrom and consider her appointment to the Parks and Recreation Commission- Town Clerk

The Council interviewed Jackie Engstrom.
Jody Timms supported her application.

M/s Coler/Goddard to appoint Jackie Engstrom to a full term on the Parks and Recreation Commission.

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

2. Interview applicant Mitch Greer and consider his appointment to the Climate Action Committee- Town Clerk

The Council interviewed Mitch Greer.
There was no public comment.

M/s Hellman/Ackerman to appoint Mitch Greer to a full term on the Climate Action Committee.

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
Rico Tabaranza, Chief of Police

Approval of Agenda and Affidavit of Posting

Councilmember Goddard asked for the continuation of Consent Calendar item #6. Councilmember Coler recommended pulling the item for discussion later in the evening since it is an urgent matter. Police Chief Tabaranza stated the item is an urgent safety matter and he would like to discuss it tonight.

M/S, Cutrano/Coler, Motion to approve the agenda with the removal of item #6 from the Consent Calendar and placing it after item #9

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

Land Acknowledgement

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Additional announcements included: Iron Springs Brew Pub has been sold to the Hen House Brewing Company. Take back Day is October 23rd.

Open Time

Collin McDonell, Founder and CEO of the Hen House Brewing Company, stated he is looking forward to joining the business community of Fairfax.

Joe McGarry discussed arrest rates and race in Marin and Fairfax.

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

John Romaidis requested virtual meeting policy guidelines for members of Town committees.

Deborah Benson reported a dying tree in the Parkade and asked for an update irrigation of the Redwoods.

Dr. Jody Timms reported on upcoming Age Friendly Fairfax activities.

Eva suggested the Land Acknowledgement be followed up with policy changes.

Helen Fauss was concerned that the Council meetings were not held in the Women's Club.

Jane Richardson Mack was concerned that non-Fairfax residents influence meetings.

Mark Bell stated the Land Acknowledgement on the agenda did not make sense.

Consent Calendar

1. Receive Financial Statement and Disbursement Reports August 2021- Finance Director
2. Approve minutes for the Town Council meetings of July 1 and 7, and August 4, 2021- Town Clerk
3. Receive report on Councilmembers' assignments, committees, and activities in September- Town Clerk

4. Reappoint Commissioner Sisi Parry-Hansen to another 4-year term on the Parks and Recreation Commission- Town Clerk
5. Adopt Resolution Accepting Land Donation from Pellolio Family and Authorizing Interim Town Manager to Execute Property Donation Agreement and Take Actions Necessary to Effectuate the Donation- Interim Public Works Director, Principal Planner, Town Attorney
6. Adopt a Resolution Authorizing the Town Manager to Purchase and Outfit Two Police Vehicles (both hybrid) for an Amount not to exceed \$130,000 and Declare One Vehicle as Surplus- Police Chief
7. Adoption of a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Attorney, Town Clerk

In response to a request from Council, Town Attorney Coleson clarified item #7, reporting that AB 361 allowed the continuation of virtual meetings with two new requirements, with which the Town was already in conformance.

Mayor Ackerman opened the meeting to public comments.

Deborah Benson had a question about AB 361 and in-person meetings.

Michael Macintosh asked that item #1 be pulled for discussion of the Utility User Tax collected from PG&E.

Mayor Ackerman closed the meeting to public comments.

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the removal of item #6 which will be placed after item #9.

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

Public Hearings

8. 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)

Mayor Ackerman stated this item was continued to the November 3, 2021 Council meeting.

Regular Agenda

9. Proposed Racial Equity and Social Justice Programs and Initiatives for Town Council's consideration and Direction- Administrative Analyst, Interim Town Manager

Lorena Barrera, Administrative Analyst of Corte Madera, made a PowerPoint presentation that included the following: 1) Background; 2) The Racial Equity and Social Justice Committee (RESJ); 3) On the path to a new direction 4) Menu item categories; 5) Overview and development of Town policies, plans, surveys, and training 5) Community collaboration and Town partnerships; 6) Economic development; 7) Communication and understanding; 8) Public Safety and Police practices; 9) What is RIPA?; 10) When is the Fairfax Police Department required to collect and report?; 11) What data are the Fairfax Police Officers required to report

for each stop, detention, or search of an individual?; 12) When is the public able to access Fairfax Police Department's data from the Department of Justice?; 13) Next steps for Town Council and Town Staff. She answered questions from the Council regarding racial equity action plans, collaboration opportunities vs. Town staff, and internal training;

Fairfax Police Chief Tabaranza presented a report and a PowerPoint presentation that included the following: 1) Fairfax Police Department website; 2) The Town's new RIPA dashboard, a transparency tool for arrest data. He answered questions from the Council regarding the dashboard.

Mayor Ackerman opened the meeting to public comments.

Michael Mackintosh commended Chief Tabaranza on his work and his transparency.

Veronica Geretz stated she was impressed by both presentations.

John Romaidis was concerned about a number of the report's recommendations.

Jane Richardson Mack supported the idea of "Coffee with a Cop".

Deborah Benson agreed with the comments made by the two previous speakers.

Joe McGarry appreciated the presentations.

Eva stated that Fairfax had a problem with racial segregation and racism.

Jess Lerner appreciated the presentations and the work of RESJ.

Lisel Blash appreciated the staff report.

Wendy, former Fairfax resident, stated systemic racism existed everywhere.

Damian stated he is an African American male and found the Fairfax Police in the past to be aggressive.

Richard Applebaum stated he supported all the recommendations in the report.

Brian Poindexter supported addressing the issues supported by the data.

Mark Bell was concerned that the RESJ did not comply with the Brown Act.

Mayor Ackerman closed the meeting to public comments.

The Council reviewed the agenda, before opening their discussion on this agenda item.

M/S, Coler/Cutrano, Motion to continue item #12 to the October 20th meeting.

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

The Council discussed the menu of items and mostly supported the Category One items, such as the General Plan amendment, a handbook for recruiting, diversity and inclusion training, the Racial Equity Action Plan, and educational opportunities for the community. There was some question on the timeline, and whether it might be better to wait until the new Town Manager was appointed. The community survey was supported, with the request that it be developed by a

professional. There was consensus that the Parks and Recreation Commission could work on the pop-up idea. There was general support to collaborate with groups such as Ross Valley Unite, and to include people of color in discussions regarding policies. There was also support to acquire a GARE membership.

The Council requested Staff schedule a presentation from the Mobile Crisis Response Team at a future Council meeting.

Interim Town Manager stated that staff had enough information to move forward, but that it would be helpful to have two Councilmembers to work with.

M/S, Coler/Hellman, Motion to appoint Councilmembers Cutrano and Goddard to serve on an ad hoc working group.

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

Pursuant to the 10:00 rule, Mayor Ackerman reviewed the agenda.

M/S, Coler/Goddard, Motion to continue item #11.

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

The Council took a 10-minute break at 10:40 p.m.

6. Adopt a Resolution Authorizing the Town Manager to Purchase and Outfit Two Police Vehicles (both hybrid) for an Amount not to exceed \$130,000 and Declare One Vehicle As Surplus- Police Chief

Police Chief Tabaranza presented a staff report. He answered questions regarding the purchase of electric versus hybrid vehicles, the immediate need for vehicles and the timing of purchase orders, standards for patrol cars, ergonomics, computer system compatibility, cost, and availability.

Mayor Ackerman opened the meeting to public comments.

Walt Vernon and David Haskell supported the use of electric vehicles. They discussed the Climate Emergency.

Silver opposed the purchase of gas-powered cars.

Dr. Jody Timms noted the Town had passed a Climate Emergency Resolution and everyone needed to take Climate Change seriously.

Tunafish stated there were serious environmental problems.

Mayor Ackerman closed the meeting to public comments.

The Council reached consensus that the infrastructure for electric vehicles should be put in place as soon as possible.

In response to questions about waiting two weeks to do more research on electric vehicles, Chief Tabaranza explained the timeline for delivery and outfitting the vehicles, and the urgency to place orders immediately.

Councilmember Goddard requested the Council consider a policy for the Town's fleet.

M/S, Coler/Cutrano, Motion to authorize the Town Manager to purchase and outfit two Police vehicles (both hybrid) for an amount not to exceed \$130,000 and declare one vehicle as surplus and appropriate \$130,000 from the Field Equipment Vehicle Replacement Fund 03-923-921 for this purchase.

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

The Council reviewed the agenda due to the late hour.

M/S, Coler/Goddard, Motion to continue item #10 to the October 20th meeting or sooner.

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

10. Discuss and consider appropriating American Rescue Plan Act (ARPA) funds for the Fairfax Water Conservation Program (FWCP) as recommended by the Climate Action Committee

Mayor Ackerman stated this item was continued.

11. Receive results of the Skatepark Survey and the Parks and Recreation Commission recommendation regarding the location of a permanent skatepark, and provide direction to staff

Mayor Ackerman stated this item was continued.

12. Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax 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-Unit Residences; CEQA Exempt under CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3)- Town Attorney, Administrative Analyst

Mayor Ackerman stated this item was continued.

13. Appoint up to two Town Councilmembers to the newly formed Ad Hoc Water Policy Committee of the Marin County Council Mayors and Councilmembers ("MCCMC")

Mayor Ackerman presented a report.

M/S, Goddard/Coler, Motion to appoint Councilmembers Cutrano and Hellman to the Ad Hoc Water Policy Committee of the Marin County Council Mayors and Councilmembers ("MCCMC").

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

Council Reports and Comments

Mayor Ackerman noted these written reports were included in the packet.

Town Manager's Report

Interim Town Manager Politzer noted the Council would need to schedule another Special Meeting.

Future Agenda Items

There were no items.

M/S, Goddard/Coler, Motion to adjourn the meeting at 11:59 p.m. in memory of Raymond Piombo.

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

Respectfully submitted,

Michele Gardner, Town Clerk

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