

Fairfax Town Council Minutes
Regular Meeting
Wednesday, **February 2, 2022**
Via teleconference due to COVID-19

Mayor Hellman called the Closed Session meeting to order at 6:00 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

There was no public comment.

Adjourn to Closed Session on the following matter:

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

Regular Meeting

Mayor Hellman called the Regular meeting to order at 7:00 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
Jonathon Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

M/s, Cutrano/Goddard, Motion to approve the Agenda and Affidavit of Posting.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman (through a roll call vote)

Report out on Closed Session

Mayor Hellman announced there was nothing to report.

Announcements

Mayor Hellman made the announcements as they appeared on the agenda. Vice Mayor Cutrano added that it was Black History Month.

Presentation of Proclamations

1. Proclamation in Celebration of Deer Park Villa 100 years- Mayor Hellman

Councilmember Goddard read the Proclamation.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh supported the proclamation.

Mayor Hellman closed the meeting to public comments.

2. Proclamation in Honor of Frank Anthony Fradelizio- Mayor Hellman

Mayor Hellman read the Proclamation.

Mayor Hellman opened the meeting to public comments.

John Fradelizio thanked the Council for the Proclamation.

Mayor Hellman closed the meeting to public comments.

M/s, Coler/Goddard, Motion to adopt the two Proclamations.

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

3. Recognition of Consultants and Contractors Who Quickly Returned Sir Francis Drake Boulevard to Service with Special Efforts and Excellent Collaboration Following the Discovery of a Sinkhole on December 13, 2021- Mayor Hellman

Interim Public Works Director Goldman thanked the team for the great work.

Mayor Hellman opened the meeting to public comments.

Scott Ghilotti stated it was his pleasure to help the Town of Fairfax.

Mayor Hellman closed the meeting to public comments.

Open Time for Public Expression

Dr. Jody Timms gave an update on Age Friendly Fairfax, Commission on Aging, and 350 Marin activities.

Kristin requested the Council's endorsement of the group Our Neighborhood Voices.

Chris Brown asked the Council to consider adopting a Rent Control Ordinance.

Megan Meadow expressed concern about a lack of affordable housing in Fairfax.

Mark Bell opposed the Land Acknowledgment.

Michael Mackintosh supported the statements made by the previous speaker.

Consent Calendar

4. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Attorney
5. Receive Financial Statement and Disbursement Reports December 2021- Finance Director
6. Receive written report on Councilmembers' assignments, committees, and activities in January- Town Clerk,
7. Receive Treasurer's Report on Quarter Ending December 31, 2021- Town Treasurer
8. Receive Quarterly Report on Fairfax Recreation and Community Services Activities from October-December 2021- Recreation and Community Services Manager
9. Adopt a Resolution Confirming the Continued Existence of a Local Emergency at or Near 2378 Sir Francis Drake Boulevard, Fairfax, and Continuing Authorization for the Emergency Procurement of Materials and Labor without Competitive Bidding- Interim Public Works Director
10. Adopt a Resolution Approving the Classification Specification and Pay Range for Climate Action Coordinator, and Authorizing the Interim Town Manager to Update Related Lists, Schedules, and Rosters- Human Resources Consultant
11. Adopt a Resolution Further Amending "Exhibit A- Salary Range" to Resolution 18-31 Establishing Wages and Benefits for Management and Confidential Employees and Part-Time Employees- Finance Director
12. Adopt a Resolution Amending the Annual Salary Schedule for Fiscal Year 2021-22 to add the Climate Action Coordinator position and to reflect adjustment to Town Manager salary- Finance Director
13. Adopt a Resolution Authorizing the Interim Town Manager to Execute an Interagency Agreement to provide Climate Action Coordinator Services to the Town of San Anselmo- Human Resources Consultant
14. Adopt a Resolution Authorizing the Interim Town Manager to Execute an Interagency Agreement with the Town of Corte Madera for the Provision of Administrative Analyst Services- Interim Town Manager, Human Resources Consultant
15. Approve Agricultural Community Events Farmers Market right of entry agreement to continue to operate a Farmers Market in Bolinas Park in 2022 and 2023- Town Clerk

Councilmember Coler added the following information to her Councilmember reports (item #6). Marin Clean Energy sent a letter to the California Public Utilities Commission (CPUC) regarding its Energy Metering Proceedings with respect to residential solar. She requested that the Mayor send a letter to the CPUC on the Energy Metering 3.0 Proceedings.

Councilmember Coler had an edit to item #10 on the last page, item #4, it should read "...demonstrable equivalent professional experience..."

Councilmember Goddard made a comment on item #8.

Mayor Hellman opened the meeting to public comments.

Mark Bell referred to items #10 and #12 and stated there may not be a need to hire a coordinator. He referred to item #15 and stated acoustic music only.

Mayor Hellman closed the meeting to public comments.

M/s, Goddard/Coler, Motion to approve the Consent Calendar with the supplements to items #10, #11, #12, #13, and #14, the edit to item #10 suggested by Councilmember Coler, and to direct staff to send the letter attached to the Councilmember Reports to the California Public Utilities Commission (CPUC).

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

Regular Agenda

16. Receive Municipal Fleet Electric Vehicle Infrastructure Status Update and Adopt Resolution to appropriate funds and authorize the Town Manager to: 1) Negotiate Public Work up to \$25,000 for Improvements to the Photovoltaic System at the Pavilion to Provide Level 3 EV Charging Capability Without Ground Disturbance; 2) Purchase One (1) Beam Global Solar EV ARC M with ChargePoint Dual Port J-1772 Plug Mobile Solar Panel Electric Vehicle Charger Systems at California State Department of General Services Contract ID 1-18-61-16 Prices; 3) Sole-Source Purchase of One (1) 2022 Ford F-150 Lightening CREW CAB 4X4 LIGHTENING PRO EV- Public Works Director, Finance Director, Police Chief

Interim Public Works Director Goldman, Town Attorney Coleson, and Police Chief Tabaranza presented a staff report and a PowerPoint presentation. They answered questions from the Council regarding whether the improvements will be Level 3; grants from the Transportation Authority of Marin (TAM); the need for the Council to authorize the purchase of the vehicle; if the Public Works Crew has given input about the utility of the vehicle; if Department of Public Works vehicles are typically equipped with MERA radios; if the approval should include the Mach E vehicle which has been ordered; if the ARC is a fast-charging unit.

Mayor Hellman opened the meeting to public comments.

Dr. Jody Timms and Rob Fruechtenicht supported the proposal.

Mayor Hellman closed the meeting to public comments.

Councilmember Ackerman suggested the following language to the Resolution: On page 8, under "Now, Therefore be it Resolved...appropriate \$90,000..." add "*or purchase equipment and services to accomplish the same goals*" and also on page 9 under "Whereas, if be Further Resolved..."

M/s, Ackerman/Cutrano, Motion to Adopt Resolution to appropriate funds and authorize the Town Manager to: 1) Negotiate Public Work up to \$25,000 for Improvements to the Photovoltaic System at the Pavilion to Provide Level 3 EV Charging Capability Without Ground Disturbance; 2) Purchase One (1) Beam Global Solar EV ARC M with ChargePoint Dual Port J-1772 Plug Mobile Solar Panel Electric Vehicle Charger Systems at California State Department of General Services Contract ID 1-18-61-16 Prices; 3) Sole-Source Purchase of One (1) 2022 Ford F-150

Lightening CREW CAB 4X4 LIGHTENING PRO EV with the additional language suggested by Councilmember Ackerman.

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

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

Public Hearings

17. Commercial Cannabis Business Permit, Design Review Permit, and Sign Exception Permit for a cannabis storefront retailer/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard; Applicant: Element 7/Fairfax Remedy- Principal Planner, Town Attorney

Principal Planner Neal presented the staff report. She answered questions regarding parking; the driveway entrance; the maps depicting the buffers and potential locations.

David Parisi, Parisi Transportation, the Town's consulting traffic engineer, gave a report and a PowerPoint presentation. He answered questions regarding the market comparisons; definitions from the Institute of Transportation Engineers Trip Generation Manual; vehicle vs. transit trips and fast casuals; whether the general urban/suburban category was used; if traffic counts would be conducted.

Mayor Hellman opened the Public Hearing.

Josh Black, Head of Operations for Element 7, discussed three aspects: Sign Permit, Design Review, and Cannabis Business Permit. He discussed the traffic report prepared by W Trans.

James Anthony opposed the application and referred to the written materials he had sent to the Council. He stated allowing two uses in a single location would be a grant of special privilege.

Elizabeth O'Donnell discussed proposed legislation in Colorado and her concern about mental health problems from products with a high level of THC, especially for youth.

Lauren Payne stated she was an application preparation expert in the field of cannabis permits and she opposed the application. She referred to written materials she had sent to the Council.

Patti was opposed to the application, stating the traffic study did not make sense.

Lynette Shaw shared her experience of having both a Medical Cannabis License and an Adult Delivery License.

Michelle Leopold, Lisa Beauchamp, Mallory Geithem, Brad Clark, Jane Richardson Mack, Kathy Flores, Brenna Gubbins, Kirstin, Kim Friedman, Richard Applebaum, Monica Whooley, Kelsey Fernandez, Scott Tito, and Krishna Tyner, Mark Bell, Don Carney, and Bridget Clark opposed the application out of concern for the location's proximity to youth hangouts, traffic increase, adult-only business replacing a youth-oriented business, health and safety concerns particularly for youth.

Rick Hamer supported the Planning Commission's denial of the application.

Seeing no further speakers, Mayor Hellman closed the Public Hearing.

The Council stated they had all received communications from members of the public, and that there had been no ex parte communications or meetings.

Councilmember Goddard stating allowing the application would not in the interests of the health, safety, and general welfare of the community, and cited Town Code Section 5.56.070(d), "Review and Action on Applications". She did not agree with the traffic study.

Councilmember Ackerman agreed with the comments made by Councilmember Goddard.

Vice Mayor Cutrano discussed the Regional Housing Needs Allocation (RHNA) numbers, the Housing Element update, and the possible future uses of this site for the general welfare of the Town. He did not support the application.

Councilmember Coler stated applicants have a good business plan and a good handle on the cannabis regulations.

Mayor Hellman stated this is not a good location for the business and she did not agree with the traffic study.

M/s, Goddard/Cutrano, Motion to continue this item to the February 2nd meeting and direct staff to come back at the next meeting with a Resolution denying the Commercial Cannabis Business Permit, Design Review Permit, and Sign Exception Permit for a cannabis storefront retailer/adult use retail delivery-only business at 1920 Sir Francis Drake Boulevard; Applicant: Element 7/Fairfax Remedy for the reasons stated by the Council tonight.

AYES: Ackerman, Cutrano, Goddard, Mayor Hellman

NOES: Coler (through a roll call vote)

Town Attorney Coleson stated the next item should also be continued because it is dependent upon what happens with the Commercial Cannabis Business Permit.

18. Appeal of Planning Commission denial of a Formula Business Conditional Use Permit for a medical cannabis storefront retailer/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard- Principal Planner, Town Attorney

M/s, Ackerman/Coler, Motion to continue Appeal of Planning Commission denial of a Formula Business Conditional Use Permit for a medical cannabis storefront retailer/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard to the next Council meeting.

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

19. This item has been continued to the March 2, 2022 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 Attorney

Mayor Hellman stated this item was continued to the March 2, 2022 meeting.

Town Manager's Report

Interim Town Manager Politzer reported on the new staff that would be joining the Town based on the Council's action earlier this evening: Sean Youra and Lorena Barrera.

Council Reports and Comments

Mayor Hellman noted written reports were in the packet.

Future Agenda Items

Councilmember Ackerman stated he would like to discuss the formation of an ad hoc committee to give advice on the Pavilion and related projects.

Mayor Hellman stated there was a discussion at the last Marin County Council of Mayors and Councilmember (MCCMC) meeting about the formation of a group that would work with the Marin Managers' Group regarding a more strategic way to deal with regional issues. Mayor Hellman appointed Councilmember Coler to work on this ad hoc subcommittee.

The meeting was adjourned at 11:50 p.m. in memory of Guy de Kuiper and Jack Boggeri.