

DRAFT

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 6th Cycle Housing Element Update; 2) Assessment of fair housing in Housing Element; 3) Upcoming meetings and next steps; 4) Town Council Meeting November 3rd; 5) Virtual Community Workshop November 20th; 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

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Fairfax Town Council Minutes
Regular Meeting
Via teleconference due to COVID-19
Wednesday, November 3, 2021

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
Jason Weber, Ross Valley Fire Chief
Jonathan Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

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

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. He announced there was an opening for a Residents' Services Coordinator at Victory Village.

Presentations

1. A Collaborative Approach: Ending Chronic Homelessness in Marin- County Health and Human Services

Ken Shapiro, Chief Operating Officer and Ashley McIntyre, Homelessness Policy Analyst, gave a PowerPoint presentation that included the following: 1) Homelessness in Marin; 2) 2016; 3) Insights; 4) Costs; 5) Vulnerability; 6) Historical focus; 7) Cycle of trust; 8) Managing homelessness; 9) Built for zero; 10) Resolving homelessness; 11) Rental units; 12) Victory Village; 13) Mill Street 2.0; 14) Homekey; 15) Project Roomkey; 16) 3301 Kerner Blvd; 17) Episcopal Community Services; 18) 1251 S. Eliseo. They answered questions regarding wrap around services; percentage of homelessness population in terms of chronic, episodic, etc.; source of funds for wrap around services; new Section 8 Vouchers and case managers' caseloads; status of hiring; assistance for people who are not high resource users.

Mayor Ackerman opened the meeting to public comments.

Eva Cosanti had concerns about weather shelters not being open.

Pamela Meigs stated she is a psychiatric nurse and has seen positive change with this program.

Tony Gardner, Fairfax, asked for more information re specific homelessness programs.

Mayor Ackerman closed the meeting to public comments.

2. Marin County Mobile Crisis Continuum Teams- Mobil Crisis Continuum Unit Supervisor Licensed Crisis Specialist

Connor Pearce, Mobil Crisis Continuum Unit Supervisor, and Kellianne Martinez, Crisis Specialist, gave a PowerPoint presentation that included the following: 1) Mobile Crisis Response Team (MCRT); 2) Hours, where we work, team members, how to contact MCRT; 3) 5150/5585 breakdown; 4) Expansion opportunities; 5) City of contact; 6) Demographics; 7) Hourly contact volume. They answered questions regarding the call volume per city; highest call volume per time of day; coordination with Police Departments during off-hours; how to improve outreach to the community; where to direct comments/ideas.

Mayor Ackerman opened the meeting to public comments.

Deborah Benson asked about the number of teams available, response times, and how MRCT communicates with law enforcement.

Joe McGarry asked about the types of calls and law enforcement involvement.

Mayor Ackerman closed the meeting to public comments.

Open Time

Richard Applebaum discussed SB 9 impacts and asked about the status of the process.

Dr. Jody Timms gave an update on upcoming Age Friendly Fairfax activities.

Deborah Benson, Fairfax, thanked staff for watering Town trees, and discussed the Brown Act.

Josie Buennagel, Fairfax representative on the Commission on Aging, discussed upcoming activities.

Pamela Meigs agreed with Richard Applebaum's comments, suggested an advisory committee.

Mark Bell was opposed to banning free speech and the Land Acknowledgment on the agenda.

Town Attorney Coleson briefly discussed recent housing legislation including SB 9.

Consent Calendar

3. Receive Financial Statement and Disbursement Reports September 2021- Finance Director
4. Approve minutes for the Town Council meetings of September 2021- Town Clerk
5. Receive written report on Councilmembers' assignments, committees, and activities in October- Town Clerk
6. Adoption of a Resolution Making Certain Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Clerk

7. Receive update on the Public Works Director recruitment, approve recruitment brochure and direct staff to provide an update and recommendation on salary range at the December 1st Council Meeting- Interim Town Manager
8. Receive report on Town Hall closure and winter furlough days for Town Hall employees from December 23, 2021 to January 3, 2022- Interim Town Manager
9. Adopt a Resolution Establishing the Regular Meeting Dates for the Months of January and July in 2022, and confirm 2022 Regular Meeting calendar- Town Clerk
10. Adopt Resolution Supporting the Goal of Reaching 100% Zero Emission Vehicle Sales in California by 2030- Town Clerk
11. Second Reading by title only and adoption of 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 Clerk
12. Authorize Interim Town Manager to submit a letter supporting extension of Measure “A” Quarter-Cent Sales Tax which supports parks, open space, and agricultural lands- Interim Town Manager
13. Authorize Mayor to send a letter expressing concerns over congressional redistricting currently in process- Town Clerk
14. Adopt a Proclamation declaring November 2021 Native American Heritage Month- Councilmember Cutrano

Councilmember Goddard requested a change to item #12 – add parks as a 4th bullet in the letter.

Mayor Ackerman stated there were supplements to items #7, #13, and #14.

Mayor Ackerman opened the meeting to public comments.

Alex Mack asked that item #6 be pulled for discussion.

Jack Judkins, Open Space Committee, supported Councilmember Goddard’s suggested change to item #12.

Dr. Jody Timms supported item #10.

Deborah Benson referred to item #5 and was concerned about an ad hoc meeting.

Mark Bell agreed with Deborah Benson.

Mayor Ackerman closed the meeting to public comments.

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the supplements to items #7, #13, and #14, the change to item #12, and pulling item #6 for discussion and placing it at the end of the agenda.

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

November 3, 2021 Meeting

The Council took a 5-minute break at 9:10 p.m.

Public Hearings

15. 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 December 1, 2021 Town Council Meeting

Mayor Ackerman stated this item has been continued to the December 1, 2021 Council meeting.

Regular Agenda

16. Receive Presentation and Update Surrounding Options Related to the Town of Ross Facilities and impacts to the Ross Valley Fire Department, and provide direction to the Fairfax Representative on the Ross Valley Fire Board regarding restructuring options- Ross Valley Fire Chief, Interim Town Manager

Fire Chief Weber presented a staff report and a PowerPoint presentation that included the following: 1) Background; 2) Remaining options for consideration; 3) RVFD service area map; 4) Call to arrival performance; 5) Fire Department facilities and assigned resources; 6) Incidents by station; 7) Annual incident volume; 8) Number of incidents per hour by day of year; 9) Code 3 simultaneous incidents 2019/20; 10) Fire costs; 11) Option 1- Station 19 consolidation; 12) Option 2- Shift West/adjust ranks; 13) Summary and next steps. He answered questions about relocating personnel; the call volume; if the effective date could be move up; regulations about the level of fire service staffing and response times; departments that have three individuals to an engine; if either option would constitute a contribution change for the JPA; impact to the ambulance stationed in Ross.

Mayor Ackerman opened the meeting to public comments.

Frank Egger, Meadow Way, stated the most pressing threat to housing in the Ross Valley is wildland fire, so staffing 24/7 is an advantage to all three towns.

Sid Gimant, President of the Ross Valley Firefighters Association, stated the stations in the Ross Valley Fire Department need to increase staffing from two people to three people per engine.

Mayor Ackerman closed the meeting to public comments.

The Council reached consensus that they supported Option 2 and requested that the Fire Board representatives make it clear that the second group should be at Station 21 and the effective date should be moved up before July 1, 2025. They should continue to work towards getting three on an engine for all the stations as soon as possible.

The Mayor reviewed the agenda pursuant to the ten o'clock rule, and decided to proceed.

17. Introduction and first reading by title only of an Ordinance Amending Chapter 8.08 Relating to Solid Waste, Recyclables and Organic Waste to Implement SB 1383

Regulations. Exempt from CEQA because it does not constitute a project under CEQA pursuant to Guideline 15378(b)(5)- Interim Public Works Director

Interim Public Works Director Goldman presented a staff report.

Rose Radford, representing R3 Consulting Group, gave a PowerPoint that included the following: 1) Mandatory recycling & composting; 2) Meeting agenda; 3) SB 1383 background; 4) Organic waste is the largest waste stream; 5) Climate change negatively impacts California; 6) SB 1383- Short lived Climate Pollutants Act; 7) Local Agency responsibilities; 8) Organic collection service- business and multi-family compliance; 9) Edible food recovery; 10) Procurement; 11) City Municipal Code update; 12) City/hauler responsibilities; 13) Timeline/schedule. She answered questions about whether this applies to single-family residences; how it works when a large business is not signed up for organic services but has another type of relationship; definition of back-haul; does the self-haul have to go to a permanent solid waste facility; if it is considered recovery when something goes to a composting facility; whether this action would make the ordinance more or less restrictive; the Commercial Edible Food Generator Requirements; residential contamination; the self-hauling language; if there is a contamination threshold; does the lid-flip audit apply to single family residences; if there is such a thing as galvanized plastic; can they go above and beyond as this relates to climate related issues.

Ms. Radford answered questions from Council.

Mayor Ackerman opened the meeting to public comments.

Patty Garbarino, representing Marin Sanitary Service, stated the company's goal is to ensure environmental protection and minimize waste. She noted there was a loophole in the self-hauling provision.

Rick Hamer suggested the ordinance address the changes Senate Bill 9 will bring about.

Frank Egger, Meadow Way, asked if the legislation would allow farmers to continue to pick up organic waste from grocery stores for feed.

Justin, General Manager for Marin Sanitary Service, discussed the significant increase in contamination of recycling mostly by non-recyclable plastics. The contamination of organics, and compostable vs. bioplastics.

Michael Macintosh stated MSS did a great job. He encouraged better identification of plastics that are recyclable.

Mayor Ackerman closed the meeting to public comments.

Councilmember Goddard asked questions and requested edits.

M/S, Coler/Hellman, Motion to Introduction and first reading by title only of an Ordinance Amending Chapter 8 Relating to Solid Waste, Recyclables and Organic Waste to Implement SB 1383 Regulations with the supplements and the following amendments: 1) To eliminate Section 8.08-050A6 which requires every owner occupant of every residential and commercial premise in the Town where solid waste is accumulated shall wrap all garbage as accumulated in paper or other suitable wrapping and place it in the designated container; 2) To amend Section 8.08.130-6 to delete the de minimus thresholds in Section 8.08.130-6A1(a) and replace with the existing thresholds in the existing current Section 8.08.130-6(b) and (c) updated to conform with

the SB 1383 regulations and the rest of the chapter; 3) To amend Section 8.08.040(a) to say that all collection containers shall be of a material with tightly fitting covers.

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

M/S, Coler/Goddard, Motion to continue item #18 to the next meeting. Staff shall incorporate the Planning Commission Subcommittee comments with a red line of the Safety Element document.

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

18. Discussion of Safety Element progress including potential changes to the text, policies, programs, and graphics; the development of new wildfire safety programs, recognition of the efforts of FIREsafe Marin, Neighborhood Response Groups, and the Marin Wildfire Prevention Authority (MWPA); and compliance with SB 379 (2015) to address climate adaptation and resiliency- Planning Director

Mayor Ackerman noted this item was continued.

6. Adoption of a Resolution Making Certain Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Clerk

Town Attorney Coleson presented the staff report.

Mayor Ackerman opened the meeting to public comments.

Michael Macintosh supported going back to in-person public meetings, and suggested using the Pavilion.

Richard Applebaum supported people with health concerns preferring virtual meetings. He supported keeping Zoom option at in-person meetings.

Rick Hamer agreed with Richard Applebaum's comments, supported hybrid meetings.

Frank Egger, Meadow Way, supported going back to in-person meetings.

Deborah Benson supported a hybrid meeting format.

Mayor Ackerman closed the meeting to public comments.

Mayor Ackerman noted that adopting the resolution would not preclude the Council from holding in-person meetings. He noted the Pavilion was soon going to be under construction, and had other issues as well.

Councilmember Coler stated the Pavilion is not wired by the Community Media Center of Marin (CMCM). The Town is working with them on implementation of the hybrid format.

Interim Town Manager Politzer stated safety was the number one priority, and confirmed we are working towards a hybrid format.

M/S, Coler/Goddard, Motion to adopt a Resolution Making Certain Findings and Determinations under AB 361 for the Continuation of Virtual Meetings.

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

Council Reports and Comments

Mayor Ackerman noted these reports were included in the packet.

Town Manager's Report

Interim Town Manager Politzer reported the Town Manager recruitment process was on track.

Future Agenda Items

Councilmember Goddard asked for a discussion about adding an Equity Impacts Section at the end of staff reports.

M/S, Coler/Goddard, Motion to adjourn the meeting at 11:42 p.m. in memory of Daniel Stern.

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

Respectfully submitted,

Michele Gardner
Town Clerk

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