

Fairfax Town Council Minutes
Regular and Special Meetings
Wednesday, **March 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: Heather Abrams, Town Manager
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

Mayor Hellman called the Special meeting to order at 6:40 p.m.

Call to Order/Roll Call: Special Meeting

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Adam Politzer, Interim Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

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

1. Interview applicant Nina Luttinger and consider her appointment to the Climate Action Committee (CAC)- Town Clerk

There was no public comment.

M/s, Goddard/Akerman, Motion to appoint Nina Luttinger to the Climate Action Committee.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman (through a roll call vote)

2. Interview applicant Joe Hewling and consider his appointment to the Climate Action Committee (CAC)- Town Clerk

There was no public comment.

M/s, Goddard/Akerman, Motion to appoint Nina Luttinger to the Climate Action Committee.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman (through a roll call vote)

Regular Meeting

Mayor Hellman called to order the Regular and Special meetings 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: Heather Abrams, Town Manager
Adam Politzer, Interim Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

M/s, Cutrano/Goddard, Motion to continue Item #20 and 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. Councilmember Goddard added the Agenda item #20 had been continued to the March meeting.

Introductions

1. Introduction of Town Manager Heather Abrams and administration of the Oath of Office- Town Clerk, Interim Town Manager

Mayor Hellman introduced Town Manager Abrams. Town Clerk Gardner administered the Oath of Office to Town Manager Abrams.

Mayor Hellman opened the meeting to public comments.

Mimi Newton, David Smadbeck, Richard Applebaum, Lisle Blash, and Michael Mackintosh welcomed Town Manager Abrams to Fairfax.

Mayor Hellman closed the meeting to public comments.

2. Introduction of new staff: Climate Action Coordinator Sean Youra and Administrative Analyst Lorena Barrera- Town Manager

Town Manager Abrams presented a staff report and introduced the two new staff members.

Mayor Hellman opened the meeting to public comments.

Veronica Geretz, Lisle Blash, and Jody Timms welcomed the new staff members to Fairfax.

Mayor Hellman closed the meeting to public comments.

Open Time for Public Expression

Mike Ardito, Fairfax Open Space Committee, discussed the committee's participation in the fundraising event for the Fairfax Library Garden.

Dr. Jody Timms gave an update on the Age Friendly Fairfax activities and climate action challenges.

Josephine Buennagel, Fairfax representative to the Commission on Aging, gave a status report.

Gwenn White supported the installation of Smart Meters in Fairfax so that residents could avail themselves of the lower nighttime rates when charging electric vehicles at home.

Pam Meigs encouraged everyone to take the Ross Valley Sanitary District survey regarding the Larkspur Landing property.

Kristin Asher asked the Council to endorse a land use resolution concerning Senate Bill 9.

Barbara McVeigh discussed COVID and obesity.

Deborah Benson had a question about the continued item.

Kathy Flores was concerned about the impacts of SB9 and SB10, and supported previous speaker Asher.

Richard Applebaum agreed with the previous speaker.

Mallory Geithheim agreed with the previous two speakers

Ling-Shien Bell agreed with previous speaker Flores.

Mark Bell opposed the Land Acknowledgement.

Michelle Simonson agreed with the previous speakers' regarding support of land use resolution.

Presentations

3. Proclamation in Honor of Adam Politzer – Mayor Hellman

Mayor Hellman read the Proclamation.

Mayor Hellman opened the meeting to public comments.

Dr. Jody Timms and Deborah Benson thanked former Interim Town Manager Politzer for his service.

Mayor Hellman closed the meeting to public comments.

Town Manager Abrams, Police Chief Tabaranza, and each Councilmember thanked Mr. Politzer.

Mr. Politzer thanked everyone and shared some thoughts.

4. Proclamation in Honor of Jonathan Goldman

Councilmember Coler read the Proclamation in Honor of Jonathan Goldman.

Mayor Hellman opened the meeting to public comments.

Deborah Benson, Dr. Jody Timms, and Larry Bragman thanked Interim Public Works Director Goldman for his responsiveness and great work.

Mayor Hellman closed the meeting to public comments.

Town Manager Abrams, Chief Tabaranza, and each Councilmember thanked Interim Public Works Director Goldman.

5. Presentation on Rent Stabilization- Marin Democratic Socialists of America

Curt Ries, representing Marin Democratic Socialist of America, and Attorney Leah Simon-Weisberg, gave a PowerPoint presentation that included the following: 1) Establishing Rent Control in Fairfax; 2) What We'll Cover; 3) The Cost of Housing in Fairfax; 4) Who are Renters?; 5) Rent Control Basics; 6) How Rent Control Works; 7) Rent Control Administration; 8) Rent Control; Just Cause Evictions; 9) Public Support; 10) Rent Control Works; 11) Rent Control is Tested; 12) Rent Control Guarantees a Fair Rate of Return for Landlords; 13) A Chance to Lead.

Mayor Hellman opened the meeting to public comments.

Barbara Bogart (Sierra Club), Renee Ballard, Allison Hamberg, Brian Poindexter, Josh Bestauki, Chris Organ (CA Organization for Retired Americans), Megan Mattock, Martha Pearl, Michael Martin, Saskia Hicks, Julie Motz, Rick Hamer, Larry Bragman, Ellen Lovelidge, Rainero Miranda, Emily Conway, Jess Lerner, Maddy Hirshfield, Sananda Markus, Veronica Geretz, Matthew Estipona, Richard Applebaum, Joe McGarry, Lisel Blash, Jack Buckhorn, Mallory Geithem, PJ Pfeffer, and Tunafish Monkeymind supported rent control.

Michael Mackintosh discussed the Costa Hawkins Act and questioned some of the assertions made in the presentation.

Deborah Benson stated rents are set by supply and demand. She stated rent control should apply to both long-term and short-term (Airbnb) rentals.

Mayor Hellman closed the meeting to public comments.

Staff was directed to add rent control to a future agenda for discussion.

The Council took a 10-minute break at 10:25 p.m.

M/s, Coler/Ackerman, Motion to waive the 10:00 p.m. rule and move ahead with the agenda.

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

Consent Calendar

6. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings for the month of March and direct staff to prepare to hold the April 6th meeting in a hybrid format- Town Attorney, Town Clerk
7. Receive Financial Statement and Disbursement Reports January 2022- Finance Director
8. Receive written report on Councilmembers' assignments, committees, and activities in February- Town Clerk,
9. Approve minutes for the Town Council meetings of December 1 and 15, 2021, and January 19, 2022- Town Clerk
10. Receive report on Town Communications activities in calendar years 2020 and 2021- Communications Specialist
11. Adopt a Resolution Proclaiming the Termination of the Local Emergency at or Near 2378 Sir Francis Drake Boulevard, Fairfax First Declared on December 15, 2021 and Continued on January 19, 2022 and February 2, 2022- Interim Public Works Director
12. Adopt a Resolution Making the Supplemental Budget Appropriation, Authorizing Payment, Accepting the Work as Complete and Directing the Issuance of a Notice of Completion for the Temporary Repairs made to the Roadway at or near 2378 Sir Francis Drake Blvd., Fairfax in response to the Local Emergency Declared December 15, 2021- Interim Public Works Director
13. Approve sponsorship of the Little League Opening Day Parade on Saturday, March 12, 2022- Town Clerk
14. Approve Third Amendment to Ross Valley Fire Department Joint Power Agreement- Ross Valley Fire Chief
15. Adopt a Resolution to appoint and approve contact for Interim Public Works Director- Town Manager

Town Clerk Gardner noted items #12 and #15 have supplements.

The Council had questions on items #12 and #14, and a comment on item #10.

Vice Mayor Cutrano stated he had given the Clerk clerical corrections to the Council minutes.

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

M/s, Coler/Goddard, Motion to approve the Consent Calendar with the corrections to the minutes, and the supplements to item #12 and #15.

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

Special Meeting Consent Calendar

1. Authorize Mayor Hellman to send a letter in support of AB 2282, Hate Crimes, Nuisance Swastika

Mayor Hellman pulled the item from the Consent Calendar for discussion.

Town Clerk Gardner presented a staff report.

Mayor Hellman opened the Public Comment.

Sandy Handsher, representing Name Oppose Abolish Hate (NOAH) in Marin, supported adoption of AB 2282.

Mark Solomon and Michael Macintosh supported the proposal.

Mayor Hellman closed the Public Comment.

Councilmember Coler stated she could not reconcile the bill with the right to free speech.

M/s, Goddard/Cutrano, Motion to approve the Special Meeting Consent Calendar item.

AYES: Ackerman, Cutrano, Goddard, Mayor Hellman

NOES: Coler (through a roll call vote)

Public Hearings

16. Adopt a Resolution Denying the application for a Commercial Medical 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 Blvd.- Applicant Element 7/Fairfax Remedy- Principal Planner, Town Attorney

Town Attorney Coleson presented a staff report, noting that the public hearing on this item was closed and the Council deliberation was continued to this meeting. She recommended three amendments to the resolution, which she read aloud.

M/s, Cutrano/Ackerman, Motion to Adopt a Resolution Denying the application for a Commercial Medical 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, as amended by the Town Attorney.

AYES: Ackerman, Cutrano, Goddard, Mayor Hellman

NOES: Coler (through a roll call vote)

17. Adopt a Resolution Dismissing as Moot an Appeal of a Planning Commission denial of a Conditional Use Permit and Formula Business Conditional Use Permit for a medical cannabis storefront retail/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard- Principal Planner, Town Attorney

Town Attorney Coleson presented the staff report. She noted the correct Resolution number is 2022-16. She answered a question from the Council.

Mayor Hellman opened the Public Hearing.

Mark Bell stated it is safer to get cannabis from a dispensary than from the street since you know what you are getting.

Mayor Hellman closed the Public Hearing.

M/s, Coler/Goddard, Motion to Adopt a Resolution Dismissing as Moot an Appeal of a Planning Commission Denial of a Conditional Use Permit and Formula Business Conditional Use Permit for a medical cannabis storefront retail/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard and to refund the applicant's appeal fee of \$625.

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

18. This item has been continued to the April 6, 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, Attorney

Mayor Hellman stated this item has been continued to the April 6, 2022 meeting.

Regular Agenda

19. Receive 2021/22 Mid-Year Budget Review Report and approve mid-year budget adjustments- Finance Director

Finance Director Vivrette presented a staff report and gave a PowerPoint presentation that included the following: 1) Mid-Year Budget- Staff Report; 2) Projected FY22 Income Statement; 3) Mid-Year Budget- Revenues; 4) Mid-Year Budget- Expenditures.

He answered questions from the Council regarding the Police Department Budget; COVID relief received from the State; if it is possible to differentiate Sales Tax Revenue generated from the Internet vs. local businesses; expenses due to the transition of the Community Center.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh stated administration of the \$360 cap on the Utility Users Tax is not handled well.

Mayor Hellman closed the meeting to public comments.

20. Adopt a Resolution extending the current terms for Temporary Use Permits and Temporary Encroachment Permits to March 1, 2023, and direct staff regarding next steps framework for long-term outdoor dining structures- Interim Public Works Director

Mayor Hellman stated this item was continued.

Council Reports and Comments

Mayor Hellman noted written reports were in the packet.

Town Manager's Report

There was no report.

Future Agenda Items

None.

The meeting was adjourned at 11:50 p.m. in memory of Ernie Legnitto, Jane Parisi, and Bill Simms.