

DRAFT Fairfax Town Council Minutes
Regular and Special Meetings
Wednesday, **December 1, 2021**
Via teleconference due to COVID-19

Mayor Ackerman called the **Closed Session Special Meeting** to order at 5:00 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.

The Council adjourned to Closed Session on the following matter:

Public Employee Appointment pursuant to Government Code Section 54957
Title: Town Manager

Mayor Ackerman called the **Special Meeting** to order at 6:40 p.m.

Interviews and Appointments

1. Interview applicant Geoffrey Bolt and consider his appointment to the Open Space Committee- Town Clerk

The Council interviewed Geoffrey Bolt.

Mayor Ackerman opened the meeting to public comments.

Michael Ardito, Secretary, Open Space Committee, and Susan Pascal Beran, Chair, Open Space Committee, supported the appointment of Mr. Bolt.

M/s Coler/Cutrano to appoint Geoffrey Bolt to the Open Space Committee for a full four-year term.

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.

Call to Order/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
Kylie Otto, Assistant Town Attorney
Joanna Gin, Assistant Town Attorney
Ben Berto, Planning Director
Rico Tabaranza, Police Chief
Jonathon Goldman, Interim Public Works Director

Approval of Agenda and Affidavit of Posting

M/s, Goddard/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)

Announcement of Closed Session: November 18 and 23, 2021 and December 1, 2021

Mayor Ackerman stated there was nothing to report.

Land Acknowledgement

Announcements

Mayor Ackerman made the announcements as they appeared on the agenda. Vice Mayor Hellman announced Police Chief Tabaranza is launching the Coffee with a Cop Program. Councilmember Goddard announced tomorrow night's celebration of the Fifth Night of Chanukah in the Parkade at 5:30 p.m. Councilmember Cutrano announced the recording of the Community Workshop on the Housing Element is on the Town Website.

Regular Agenda

1. Reorganization of the Town Council: Selection of Mayor and Vice Mayor- Town Clerk

Town Clerk Gardner presented a staff report.

Mayor Ackerman opened the meeting to public comments.

Deborah Benson referred to a prior item on the agenda and gave her support for Geoffrey Bolt.

Richard Applebaum and Jess Lerner supported following the usual practice of the Vice Mayor being selected as Mayor.

Mark Bell supported Councilmember Coler for Mayor.

Naomi Alessandra and Joe McGarry supported Vice Mayor Hellman as Mayor and Councilmember Cutrano as Vice Mayor.

Mayor Ackerman closed the meeting to public comments.

M/s, Coler/Goddard, Motion to select Vice Mayor Hellman as Mayor and Councilmember Cutrano as Vice Mayor.

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

The Council thanked outgoing Mayor Ackerman for his year of service. Mayor Ackerman stated it was an honor to have served as Mayor.

Mayor Hellman and Vice Mayor Cutrano were seated.

Mayor Hellman read a statement of her goals as mayor in the upcoming year.

Open Time for Public Expression

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

Mark Bell expressed his opposition to the Land Acknowledgment.

Richard Applebaum was concerned with the high Regional Housing Needs Allocation (RHNA) number assigned to Fairfax.

Deborah Benson was concerned that affordability was not addressed by the housing opportunity sites.

Consent Calendar

2. Receive Financial Statement and Disbursement Reports October 2021- Finance Director
3. Approve minutes for the Town Council meetings of September 22 (joint meeting with Planning Commission) and October 6, 2021- Town Clerk
4. Receive written reports on Councilmembers' assignments, committees, and activities in November- Town Clerk
5. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Clerk
6. Modify the Public Works Director Salary Range to bring it in line with the Public Works Directors' Salaries of similar sized Towns in Marin County and Adopt a Resolution Amending the Annual Salary Schedule for Fiscal Year 2021/22- Interim Town Manager
7. Receive Capital Projects Update- Interim Public Works Director
8. Adopt Resolution Authorizing Issuance of Notices of Completion for Three Urgent Projects: Upper Bay Road Pavement; Broadway Underground Storm Drain Repairs, and Paving of a 300-foot Segment of Oak Road- Interim Public Works Director
9. Adopt a Resolution Authorizing a Professional Services Agreement with Pavement Engineering, Inc. for Paving Project Design- Interim Public Works Director
10. Adopt Resolution Authorizing Issuance of Notice of Bids for 145 Canyon Roadway Repair- Interim Public Works Director
11. Adopt Resolution Authorizing Issuance of Notice of Bids for the Trail Improvement Project- Interim Public Works Director

Mayor Hellman noted there were supplements to Consent Calendar items #8 and #11. She requested the September 22nd minutes (item #3) be continued to make a correction.

Councilmember Coler referred to item #4 and made a correction to her list of assignments.

Mayor Hellman opened the meeting to public comments.

Kirsten referred to item #7 and suggested permeable surfaces.

Frank Egger referred to item #5 and recommended hybrid meetings.

Mayor Hellman closed the meeting to public comments.

M/s, Goddard/Coler, Motion to approve the Consent Calendar with the continuation of the September 22, 2021, Council minutes, the changes made to item #4, and the supplements to items #8 and #11.

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

Public Hearings

12. Adoption of a Resolution Amending the General Plan to Replace the Terms “Community Character” and “Neighborhood Character” with more Specific Descriptions to the Intended Meaning of those Phrases- Planning Director

Planning Director Berto presented the staff report and gave a PowerPoint presentation that included the following: 1) Amending the General Plan to include equity-related text amendments; 2) Recommendation Options; 3) Background; 4) Discussion; 5) Options; 6) Four pages of changes; 7) Questions. He answered questions from the Council regarding whether it made sense to pull the Housing Element out of this debate, the possible retention of the term “character” in conjunction with “architectural”, and whether the Planning Commission wanted to consider this.

Mayor Hellman opened the Public Hearing.

Frank Egger, Meadow Way, opposed the changes, stating Fairfax had been known as a village for decades.

Richard Applebaum supported precise language that would not pave the way for development.

Shelley Hamilton made a suggestion about process and stated the proposed changes did not change Land Use Policies.

Ling Shien Bell suggested adding a disclaimer about the language instead of making changes.

Pamela Meigs stated making changes to a General Plan should be through an inclusive process, perhaps involving a subcommittee.

John Romaidis opposed the changes as substantive, and wished for a better process

Jane Richardson Mack opposed the changes and wanted more public input.

Kathy Flores opposed the changes.

Jess Lerner supported the changes.

Joseph Hewlings supported the changes, stating words matter.

Deborah Benson, Cascade Drive, opposed the changes, expressing concern that one member of the public was rewriting the General Plan.

Mark Bell opposed the changes and noted there continued to be errors in the document.

Sierra Salin did not understand the focus on language, when there were bigger problems.

Kirsten supported the idea of a subcommittee, and stated the changes were not immaterial.

Mayor Hellman closed the Public Hearing.

Councilmember Coler agreed that the process could have been smoother. This was a 2010 to 2030 General Plan and they did not need to start a wholesale review.

Vice Mayor Cutrano noted this was originally discussed at the Racial Equity and Social Justice Committee meetings. The word "character" is ambiguous.

Councilmember Goddard would like to eliminate the word "character" altogether. She was concerned a subcommittee would delay the process.

Councilmember Ackerman stated this process was very simple and he was embarrassed it has taken so long. These are clarifying changes.

Mayor Hellman stated this was the sixth public forum on the issue. She agreed with the comments of the other Councilmembers. She asked the Town Attorney to confirm that the changes would not affect land use, and her professional background in land use.

Town Attorney Coleson confirmed.

M/s, Goddard/Cutrano, Motion to Adopt a Resolution Amending the General Plan to include equity related text amendments specifically replacing throughout the 2010 to 2030 Fairfax General Plan the word "character" with non-substantive but more specific descriptions of the intended meaning of the word. In the language of the 2015 Housing Element, Section HC-6, the following shall be amended: The extent to which the structure conforms to the general architectural *design* of other structures in the vicinity.

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

The Council took a 7-minute break at 9:33 p.m.

13. This item has been continued to the January 19, 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 Manager

Mayor Hellman stated this item has been continued to the January 19, 2022, meeting.

Regular Agenda

14. Second Reading by title only and adoption of a Ordinance Amending Chapter 8.08

Related to Solid Waste, Recyclables and Organic Waste to Implement Senate Bill 1383 Regulations. Exempt under CEQA because it does not constitute a project under CEQA Pursuant to Guidelines 15378(b)(5)- Interim Public Works Director

Interim Public Works Director Goldman presented a staff report.

Assistant Town Attorney Joanna Gin confirmed there was no conflict between the contract and SB 1383.

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

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 Amending Chapter 8.08 of the Fairfax Municipal Code Related to Solid Waste, Recyclables, and Organic Waste.

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

Councilmember Goddard asked staff to continue to monitor other jurisdictions for any discrepancies between this ordinance and theirs.

15. Adopt Urgency Ordinance Establishing Regulations for the Land Division and Development of qualified Senate Bill 9 (SB 9) properties- Planning Director

Town Attorney Coleson presented a staff report and noted an Urgency Ordinance required a 4/5th vote for passage. She also noted there was a supplement for this item that included a correction. Staff answered questions regarding separate conveyances, a reference to outdoor lighting, the timing on the adoption of Objective Development and Design Standards (ODDS), historic resources inventory, height restrictions, definition of condominium "air space", unit standards, inclusionary housing, speculative development, types of ownership and residency requirements, utility hook-ups and easements, high fire hazard zones, required off-street parking, and the Second Unit Amnesty Program.

Mayor Hellman opened the meeting to public comments.

Sierra Salin asked that they consider the population increase as the basic problem to address.

Frank Egger expressed concern about SB 9 not addressing affordable housing and leading to more development. He suggested rent control.

Michael Mackintosh opposed SB 9, stating the additional density will ruin the Town's character.

Rick Hamer agreed with the comments made by Frank Egger.

Richard Applebaum agreed with the comments made by Frank Egger.

Jane Richardson Mack urged the Council to listen to all voices.

Kirsten asked about parking, landscaping and removal of heritage trees, and supported an appeal process and a second unit amnesty program.

Deborah Benson stated other jurisdictions had regulations guaranteeing affordability.

Mayor Hellman closed the meeting to public comments.

The Council asked staff about amnesty provisions for legalizing Accessory Dwelling Units.

M/s, Coler/Ackerman, Motion to waive reading and introduce and adopt by title only the Urgency Ordinance of the Town Council of the Town of Fairfax Adding Chapter 16.22, Urban Lot Splits, and Chapter 17.049, Two Unit Projects, to the Town of Fairfax Town Code and Determining the Ordinance Exempt from CEQA, as included in the supplement that was provided, with the following changes: 1) In the seventh "Whereas", strike "would threaten the character of existing neighborhood" and add "and could negatively impact property values"; 2) In two places in the ordinance change the terminology "two lumens" to "two foot-candles".

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

16. Appoint new Town Manager and approve employment agreement- Interim Town Manager

Mayor Hellman stated this item will be continued to the December 15th meeting.

Council Reports and Comments

Mayor Hellman noted written reports were in the packet.

Town Managers' Report

Interim Town Manager Politzer reported the Public Works Director recruitment was set to close on December 6th. Recruitment has begun for a Climate Action Coordinator, a shared services position with the Town of San Anselmo. Recruitment will begin on an NRG Coordinator shortly.

Future Agenda Items

Councilmember Coler requested a discussion regarding short-term rentals.

Vice Mayor Cutrano requested a discussion of a ban on new gas stations.

Councilmember Goddard requested a review of the design and permitting guidelines for outdoor dining spaces.

M/s, Coler/Cutrano, Motion to adjourn and continue this Regular meeting at 11:10 p.m. to an Adjourned Regular meeting on December 15th in order to hear item #16. The meeting is adjourned in memory of Larry Serpa.

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

Respectfully submitted,
Michele Gardner
Town Clerk

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Fairfax Town Council Minutes
Adjourned, Continued Regular Meeting from December 1, 2021
Wednesday, **December 15, 2021**
Via teleconference due to COVID-19

Mayor Hellman called the 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

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

Continued Regular Agenda

16. Appoint new Town Manager and approve employment agreement- Interim Town Manager

Interim Town Manager Politzer presented a staff report.

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

M/s, Coler/Goddard, Motion to adopt a resolution appointing Heather Abrams as the Town Manager of the Town of Fairfax and approving the employment agreement.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman (through a roll call vote)

M/s, Goddard/Coler, Motion to adjourn at 7:15 p.m.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman (through a roll call vote)

Respectfully submitted,
Michele Gardner, Town Clerk

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Fairfax Town Council Minutes
Special Meeting
Wednesday, **December 15, 2021**
Via teleconference due to COVID-19

Mayor Hellman called the Special meeting to order at 7:30 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

Consent Calendar

1. Approve minutes for the September 22, 2021, Town Council Joint Meeting with the Planning Commission- Town Clerk
2. Reappoint Councilmember Bruce Ackerman to the Marin Sonoma Mosquito Vector Control District Board of Directors- Town Clerk
3. Reappoint Jesse Hoffman to the Fairfax Volunteer Board- Town Clerk

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

The Council thanked "Volunteer Extraordinaire" Jesse Hoffman for his wonderful work.

M/S, Coler/Goddard, Motion to approve the Consent Calendar as submitted.

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

Public Hearings

4. Adopt a Resolution Establishing Maximum Rates Collected by Marin Sanitary Service For Solid Waste Services to be effective January 1, 2022 and Approving the Third Amendment with Marin Sanitary Services- Interim Public Works Director

Interim Public Works Director Goldman presented the staff report.

Garth Schultz, representing R3 Consulting, gave a PowerPoint presentation that included the following: 1) Review of Marin Sanitary Service (MSS) 2022 Rate Application; 2) Rate Adjustment Methodology; 3) Factors Affecting 2022 Adjustment; 4) 2022 Rate Adjustment; 5) Rate Comparison; 6) Q&A and Rate Adoption. He answered questions regarding the rate

increase; future trends in terms of end uses for products; if the increase in MSS's premiums gets passed on to ratepayers; how to monitor contamination; what would replace the buy-back center; possible route adjustments.

Patti Garbarino, President of MSS, discussed the Bottle Bill, closure of the buy-back center, the need for more space in the recycling center processing area, and new technology.

Ruben Hernandez, MSS employee, discussed how drivers check and report on contamination.

Mayor Hellman opened the Public Hearing.

Pam Meigs, Cypress, stated she is speaking as a Fairfax citizen. This is the third increase over a short period of time. None of the comparisons were outside of Marin County

Mark Bell stated residents in West Marin pay much less and the trucks are quieter. This contract should be put out to bid.

Mayor Hellman closed the Public Hearing.

Town Attorney Coleson noted there was a Franchise Agreement Amendment.

M/S, Goddard/Cutrano, Motion to Adopt a Resolution Establishing Maximum Rates Collected by Marin Sanitary Service for Solid Waste Services to be effective January 1, 2022 and Approving the Third Amendment to the Franchise Agreement with Marin Sanitary Services.

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

Regular Agenda

5. (A) 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; and compliance with SB 379 (2015) to address climate adaptation and resiliency; (B) Planning Commission Safety Element recommendations (C) Housing Element Status Update

Planning Director Berto presented a staff report.

Richard James, representing EMC Planning Group, gave a PowerPoint presentation that included the following: 1) Background; 2) Schedule; 3) Re-organization; 4) Flooding Hazards; 5) Fire Hazards; 6) Issues for Discussion; 7) Community Preparedness; 8) Tonight's Objectives.

He answered questions regarding how many more times the Council will review the document; alerts and notifications; community preparedness groups; how the Safety Element speaks to the Housing Element; SB9 and lot splits; if the Town has a Stream Side Conservation Ordinance; cell service and cell towers; any recent discussions about a detention basin in Fairfax; if the next submittal would be a red-line version; local control over building in the WUI; software used for tracking of programs; Police Department evacuation protocols; the work that has been done on the maps.

Mayor Hellman opened the meeting to public comments.

Frank Egger, speaking for Save Fairfax and Fairfax Tomorrow, stated new landslide studies and maps already exist. He discussed the Creek Setback Ordinance.

Mark Bell stated the addition of cars and houses would make Fairfax unsafe.

Mayor Hellman closed the meeting to public comments.

The Council discussed the importance of the local steps and trails; better cell coverage; having an official refuge (Pavilion) and cooling centers; prioritizing the effective use of sirens; possibly increasing the stringency of the Fire Code; utilization of NRG's; community friendly evacuation maps; the culvert under Town Hall and Sherman; raising the Town Hall building; flooding downtown; a community survey; the need for legible address numbers; parking during red flag warnings.

Councilmember Goddard asked about installing a pop-up COVID testing facility in Town. Interim Town Manager Politzer stated he would look into it.

M/s, Goddard/Coler, motion to adjourn the meeting at 10:40 p.m.

Respectfully submitted,

Michele Gardner, Town Clerk

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Fairfax Town Council Minutes
Special Meeting #2
Via teleconference due to COVID-19
Wednesday, December 15, 2021

Mayor Hellman called the Special Meeting #2 meeting to order at 7:15 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

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)

Regular Agenda

1. Adopt a Resolution Declaring the Existence of a State of Emergency at or Near 2378 Sir Francis Drake Boulevard, Fairfax, and Authorize the Emergency Procurement of Materials and Labor Without Competitive Bidding- Interim Public Works Director

Interim Public Works Director Goldman presented a staff report. He answered questions about the timeline for traffic control (only one lane open) measures, Nixel alerts and NextDoor postings, the fiscal impact of the project, and whether or not any of the cost is reimbursable.

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

M/s, Cutrano/Ackerman, Motion to adopt the resolution and make findings that the recitals in the attached Emergency Resolution are true and correct and determine, based on substantial evidence in the staff report and oral testimony, the existence of a local emergency at or in the vicinity of 2378 Sir Francis Drake Boulevard, Fairfax, and order and authorize the Interim Town Manager to provide for the emergency repair or replacement of those public facilities necessary to stabilize conditions and reopen the roadway in the vicinity of 2378 Sir Francis Drake Boulevard, to take any directly related and immediate action required by those emergency conditions, and to procure the necessary equipment, services, and supplies for those purposes without giving notice for bid, to let contracts pursuant to Public Contract Code Sections 22035 and 22050. Said contracts may exceed the Town Manager's purchasing authority but shall not

exceed \$250,000 for construction and \$25,000 for design and construction management costs without further approval by the Town Council.

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

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Michele Gardner, Town Clerk

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

Mayor Hellman called the **Closed Session 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

There was no public comment.

Adjourn to Closed Session on the following matter:

Public Employee Performance Evaluation
Government Code Section 54957
Title: Town Manager

Mayor Hellman 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:

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/Cutrano, 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.

Land Acknowledgement

Announcements

Mayor Hellman made the announcements as they appeared on the agenda and added the COVID testing facilities available in Fairfax.

Open Time for Public Expression

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

Dr. Jody Timms, representing Age Friendly Fairfax, gave an update.

Dirk Oojkaas stated he needed a facility to run his gymnastics program, due to the Pavilion closing for construction soon.

Aiden Mann, Water Conservation Club of Archie Williams High School, discussed their water conservation education efforts, and requested funding from the Town.

Peter Anderson discussed climate change and suggested rainwater catchment and graywater systems.

Paul Mann stated the reservoirs needed twice the current storage capacity, and suggested residents use rainwater cisterns and graywater systems.

Mark Bell opposed the Land Acknowledgement and recent text amendment to the General Plan.

Consent Calendar

1. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings- Town Attorney
2. Receive Financial Statement and Disbursement Reports November 2021- Finance Director
3. Approve minutes for the Town Council meetings of October 20 and November 3, 2021- Town Clerk
4. Receive written report on Councilmembers' assignments, committees, and activities in December- Town Clerk,
5. Adopt Resolution Authorizing Amendment No 2 to the Professional Services Agreement with Tom Origer & Associates for Pavilion Project Archeology- Interim Public Works Director
6. Adopt a Resolution Authorizing an Agreement with the Federated Indians of Graton Rancheria for Treatment of Tribal Cultural Resources and Tribal Monitoring for the Pavilion Project- Interim Public Works Director
7. Adopt a Resolution Authorizing a Professional Services Contract with SPI Consulting Engineers, Inc. for Pavilion Project Bid Document Consulting- Interim Public Works Director
8. Adopt a Resolution Setting the Planning Commission Regular Meeting Date and Time on the Fourth Thursday of Each Month and Repealing and Replacing All Former Resolutions re Same- Planning Director

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. Receive Town Telecommunications Status- Interim Public Works Director

Councilmember Coler stated she would like to pull item #10 for discussion. She noted the budget amount for items #5, #6, and #7 should be corrected to reflect an additional \$2,000 with Council's authorization.

Mayor Hellman opened the meeting to public comments.

Mark Bell agreed with the recommendation to pull item #10 for discussion.

Mayor Hellman closed the meeting to public comments.

Councilmember Goddard noted a clerical correction to the November 3rd minutes.

Councilmember Coler referred to item # 6 and asked for a recommendation on the wording in the second "Whereas". Town Attorney Coleson recommended the following: "...an agreement under review by the Town Attorney's office and to be approved by the Town Attorney's office". Councilmember Coler referred to item #7 and recommended the following change in the title: "Advice on constructability...".

M/s, Coler/Goddard, Motion to approve the Consent Calendar with the removal of item #10 for discussion, authorizing a total expenditure for items #5, #6, and #7 in the amount of \$82,000, the change in the wording in item #6 as recommended by the Town Attorney, a change to the title of the Resolution in item #7 as follows: "A Resolution of the Town Council of the Town of Fairfax...for Constructability and Bid Document Preparation Advice Associated with the Pavilion Seismic Retrofit Project", and the correction to the November 3rd minutes.

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

10. Receive Town Telecommunications Status- Interim Public Works Director

Interim Public Works Director Goldman presented a staff report. He answered questions from the Council regarding software subscriptions, the timing of this proposal, a possible interim solution, and formation of a work group to look at this more comprehensively.

Public Hearings

11. Adopt an Urgency Ordinance Amending Section 17.048.010 of the Fairfax Municipal Code Regarding Accessory Dwelling Units and Determining the Ordinance to be exempt from CEQA- Planning Director, Town Attorney

Town Attorney Coleson presented the staff report.

Assistant Town Attorney Ryan Stager presented a PowerPoint presentation that included the following: 1) Urgency Ordinance Amending Fairfax Municipal Code Section 17.048.010 Regarding Accessory Dwelling Units; 2) Introduction; 3) Recent Legislation; 4) Proposed Amendments; 5) Recommendation. He answered questions about the Amnesty Program and a waiver on penalties, owner occupancy requirements with respect to JADU's and ADU's,

Housing and Community Development (HCD) review, utility connections and fees, non-conforming ADU's and discretionary approval, if the stream setback regulation applied to ADU's.

Mayor Hellman opened the Public Hearing.

Frank Egger, speaking for Save Fairfax, was concerned that five decades of environmental protections are being undone and overturned.

Dr. Jody Timms asked about garage conversions.

Mayor Hellman closed the Public Hearing.

M/s, Coler/Cutrano, Motion to waive reading and Introduce and Adopt by Title Only an Urgency Ordinance of the Town Council of the Town of Fairfax Amending Section 17.048.010 of the Fairfax Municipal Code Regarding Accessory Dwelling Units and Determining the Ordinance to be exempt from CEQA as contained in the supplement.

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

12. This item has been continued to the February 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, Attorney

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

Regular Agenda

13. Housing Site Draft Inventory Discussion and Engagement Update- Planning Director

Ande Flower, representing EMC Planning Group, gave a PowerPoint presentation that included the following: 1) Housing Sites Inventory Discussion; 2) Housing Element Update and Overview; 3) Outreach Update; 4) Table of Potential Sites; 5) Accessory Dwelling Units and SB9; 6) How many future units? 7) Where are we in the process? 8) When will the State review the plan? 9) What is a sites inventory? 10) Map and list of potential sites; 11) Missing middle opportunities; 12) Objective Development and Design Standards; 13) Recommendations. He answered questions regarding previous Housing Element sites and ministerial approvals, re-zoning opportunity sites, what is meant by the minimum number of units, how the breakdown of RHNA numbers by income levels is determined, if property owners of the opportunity sites have been contacted, the relationship between the Housing Element and the Safety Element, status of the Good Earth Focus Group, opposition by property owners, rationale for the minimum capacity for accessory dwelling units (ADUs), how SB9 figures into the RHNA numbers, and why the Mountain Bike Museum parcel is not included on the list.

Mayor Hellman opened the meeting to public comments.

John Christian, Executive Director of the Real Property Support Corporation of the Archdiocese of San Francisco, stated the St. Rita site is not for sale. There is no need for further study relative to housing on this site.

Frank Egger, speaking for Save Fairfax, stated the common theme in Town management for 50

years was to preserve Fairfax's small-town character.

Richard Applebaum was concerned they were not having the correct conversation.

Mark Bell stated more housing would endanger residents during a wildfire evacuation.

Lynn agreed with the comments made by the last three speakers.

Michael Mackintosh suggested creation of a Business Improvement District to support affordable housing.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler stated they needed to accommodate more people living in Town. She suggested the removal of the Jolly Hill site.

Councilmember Cutrano agreed with the removal of sites where the property owners decline to participate. He agreed with the removal of the Jolly Hill site.

Councilmember Ackerman noted cars, not people, are the problem: an increase in traffic, parking, evacuation due to housing are the problem.

Councilmember Goddard supported more affordable housing. She asked about the Bike Museum property..

Mayor Hellman asked about the consequences for non-compliance. Town Attorney Coleson stated the consequences are harsh and include the potential for litigation, ineligibility for certain grants, and fines. A court could limit the Town's ability to make land use decisions and even appoint a receiver to bring the Housing Element into compliance.

M/s, Coler/Ackerman, Motion to approve the Draft Housing Site Inventory List with modifications to numbers as discussed, the removal of the Jolly Hill site and the St. Rita site and ask the consultants to look into the property near Manor School, the property near O'Donnell's Nursery, the Mountain Bike Museum property, reduce the School Street Plaza number, and revise the Fair Anselm property to accommodate removing that one building envelope. The consultants shall also reevaluate the discussion on zoning, revisit the Central Commercial (CC) Zone to make sure the Highway Commercial (CH) Zone is depicted correctly, and look into how the duplex situation might benefit the numbers.

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

The Council took a 10-minute break at 10:30 p.m.

14. Discuss/consider short-term rental regulations and provide direction to staff

Town Clerk Gardner presented a brief staff report.

Councilmember Coler made a PowerPoint presentation that included the following: 1) Regulation of Short-Term Rentals in Fairfax; 2) Benefits to Creating a Program; 3) What do other Marin jurisdictions do? 4) Program Aspects to Consider; 5) Property Eligibility; 6) Ineligible Properties; 7) Program Requirements; 8) Enforcement; 9) Fiscal Impact; 10) Next Steps.

Kester Bonsu, representing Host Compliance, made a PowerPoint presentation that included the following: 1) Host Compliance; 2) Monitoring Short-Term Rentals (STR); 3) Short-Term

Rental Market is Exploding; 4) Identified 75 unique rental units; 5) Fairfax STR Market Details; 6) Address Identification; 7) Mobile Permitting and Registration; 8) Detailed Reports and Dashboards. He answered questions regarding permitting and registrations, the short-term rental sites being used in Fairfax, whether some properties are owned by the rental companies, how to determine ownership of properties, whether hosts must be present during the lease, maximum number of days allowed, how to make sure these temporary rentals are not taking away from the permanent rental stock, assessing fines and penalties, whether to include ADUs, and enforcement.

Mayor Hellman opened the meeting to public comments.

Frank Egger, Meadow Way, stated short-term rentals should be subject to the Transient Occupancy Tax (TOT).

Mayor Hellman closed the meeting to public comments.

The Council supported the proposal but expressed concerns about the elimination of long-term rental housing.

Councilmember Coler stated she would continue to work the Town Clerk and Town Attorney to refine this proposal.

It was the consensus of the Council to direct the Town Attorney to draft two ordinances. One would go to the Planning Commission to rezone to allow STRs in certain residential zones. The other would go directly to the Council to establish the STR program. Town Attorney Coleson stated she would need to examine the Town's TOT Ordinance.

Councilmember Ackerman's internet connection broke off and he was briefly absent from the meeting.

M/s, Cutrano/Coler, Motion to waive the 11:30 p.m. rule.

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

ABSENT: Ackerman (due to his internet connection)

Discuss/consider Council Board and Committee Assignment for 2022

Town Clerk Gardner presented a staff report. She pointed out that the following committees were no longer active and should be deleted: Cascade Drive Striping Ad Hoc Subcommittee, Marin County Assessment of Fair Housing Committee, and the Sir Francis Drake Ad Hoc Working Group.

Councilmember Ackerman returned to the meeting.

It was the consensus of the Council to make no changes to their assignments.

Town Manager's Report

Interim Town Manager Politzer reported the hiring process for a Climate Action Coordinator continued. Recruitment for a Public Works Director was underway. The temporary repair at Sir Francis Drake Boulevard (near 2378 SFD) is coming to an end. The sidewalks and fence will be installed this week.

Council Reports and Comments

Mayor Hellman noted written reports were in the packet.

Future Agenda Items

Mayor Hellman stated she would like the following placed on an upcoming agenda: 1) Discussion regarding an Electric Vehicle Ordinance; 2) Discussion about the Open Space Committee letter regarding Town-owned properties that are mis-zoned.

The meeting was adjourned at 12:30 a.m.

Respectfully submitted,
Michele Gardner, Town Clerk

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