

Fairfax Town Council Minutes
Regular Meeting
Via teleconference due to COVID-19
Wednesday, April 6, 2022

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: Heather Abrams, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Sean Youra, Climate Action Coordinator

Approval of Agenda and Affidavit of Posting

M/s, Goddard/Coler, Motion to approve the Agenda and Affidavit of Posting.

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

Land Acknowledgement

Announcements

Mayor Hellman made the announcements as they appeared on the agenda. Councilmember Coler announced AB 2170 was signed into law. This legislation extends the eviction moratorium through June, 30, 2022. Councilmember Cutrano announced the Volunteer Board "Park Clean-Up Day" on Sunday, April 10.

Introductions and Presentations

1. Introduce Interim Public Works Director Hamid Shamsapour

Town Manager Abrams introduced and welcomed Interim Public Works Director Shamsapour.

2. Present a Proclamation in Memory of Former Fairfax Town Council Member Doug Wilson

Mayor Hellman read the Proclamation in Memory of Former Fairfax Town Council Member Doug Wilson.

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

Open Time for Public Expression

Deborah Benson, Tree Advisory Committee, opposed PG&E's removal of trees without permits.

Susan Adams, Megan Maddox, Laura Gabree, Maureen McManus, Debbie Duenas, and Emily Conway supported adoption of a rent control ordinance.

Sierra Salin was concerned about PG&E's removal of trees in the guise of safety.

Josephine Buennagel, Fairfax representative to the Commission on Aging, gave an update on the Commission's activities

Dr. Jody Timms, Chair of the Climate Action Committee, discussed moving away from fossil fuels and toward renewable energy. She discussed Age Friendly Fairfax activities.

Consent Calendar

3. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings for the month of April- Town Attorney
4. Receive Financial Statement and Disbursement Reports February 2021- Finance Director
5. Approve Minutes for the Town Council Meetings of February 2 and March 2, 2022- Town Clerk
6. Receive written report on Councilmembers' assignments, committees, and activities in March- Administrative Analyst
7. Reappoint Deborah Benson, John Romaidis, and Jane Richardson Mack to Tree Committee- Town Clerk
8. Adopt a Resolution Authorizing the Town Manager to Establish a 401(a) Government Money Purchase Plan and Authorizing the Execution of Plan Documents- Finance Director
9. Receive Climate Action Status Update- Climate Action Coordinator
10. Receive Report on Work Completed to date on the Diversity, Equity, and Inclusion Initiatives for Fairfax- Administrative Analyst
11. Receive Public Works Projects and Programs Status Update- Interim Public Works Director
12. Authorize the Town Manager to Sign Second Amendment to extend Agreement to provide dispatch services to the Marin Community College District- Chief of Police
13. Authorize Mayor to send Letter of Support for AB 1814, which would grant CCAs Access to Funding through the Public Utilities Commission to Support Building out EV Charging Infrastructure- Town Manager
14. Adopt a Proclamation Proclaiming April 2022 Fair Housing Month- Administrative Analyst
15. Adopt a Resolution in Support of Digital Marin Strategic Plan- Town Clerk
16. Approve Display of the Ukraine Flag at Town Hall- Town Clerk
17. Approve concept of \$5,000 Increase to Town's Annual Contribution to the Joint Exercise of Powers Agreement (JEPA) for Yellow School Bus Services to White Hill School- Town Manager
18. Approve and Ratify Amended and Restated Agreement with Muchmore Than Consulting in

an amount not to exceed \$48,500 for Labor Negotiations and Human Resources Consulting
Town Manager

19. Adopt Resolution Confirming the Continuing Existence of a Local Emergency- Public Works Director

Mayor Hellman opened the meeting to public comments.

Mark Bell asked for item #10 to be pulled from the Consent Calendar for discussion.

Mayor Hellman closed the meeting to public comments.

The Council had comments on several items, including a request to confirm Fairfax is listed as additional insured on all insurance certificates and request professional liability insurance regarding Item #18. Town Attorney Coleson confirmed these items were provided.

Mayor Hellman referred to item #15 and emphasized it did not change the Town's stance on 5G.

M/s, Cutrano/Coler, Motion to approve the Consent Calendar with the understanding that the insurance provisions were included in the contract in Item #18.

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

20. 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 May 4, 2022 meeting.

Regular Agenda

21. Adopt a Resolution Extending the Current Terms of Temporary Use Permits and Temporary Encroachments Permits to January 1, 2023 and Direct Staff Regarding Next Step Framework for Long-Term Outdoor Dining Structures- Town Manager, Building Official

Town Manager Abrams presented a staff report and a PowerPoint presentation that included the following: 1) Outdoor Dining Questions for Council; 2) Outdoor Dining Decision Points; 3) Outdoor Dining Recommendations- to Confirm with Council. She answered questions regarding whether indemnification should be required; setbacks; and lighting.

Mayor Hellman opened the meeting to public comments.

Tunafish Monkeymind had concerns: Bolinas Road was too narrow and an evacuation route; private use of public space, and parking impact.

Brenna Gubbins, Fairfax resident and business owner, was concerned about outdoor structures blocking visibility of neighboring businesses. She referenced a letter from 29 Fairfax businesses sharing this concern.

Caroline, Deer Park resident, supported the previous speaker comments, and stated her concerns about fire, evacuation and floods.

Deborah Benson stated the entire community should be consulted about this. She read evacuation guidelines aloud.

P.J. enjoys the outdoor dining options but shared the concerns of previous speakers.

Frank Egger, representing Save Fairfax, shared the fire, flood, and cited evacuation concerns. He opposed any structures on Bolinas Road.

Mark Bell stated ADA compliance and sight lines should be addressed. He opposed opaque shades.

Ling-Shien Bell stated the parklets made more sense on Broadway, and they should not be opaque.

Mayor Hellman closed the meeting to public comments.

The Council discussed how to extend the current permits a reasonable amount of time, while also moving forward immediately to address some of the temporary structure issues, such as accessibility, blocking visibility, impeding traffic, and roof security.

The Council also discussed the design items listed in the staff report.

M/s, Coler/Ackerman, Motion to adopt a Resolution Extending the Terms of Certain Right-of-Way Use Agreements for Temporary Outdoor Uses and Temporary Outdoor Use Permits to allow Restaurants and other Businesses to Provide Outdoor Dining and other Retail/Commercial Uses and Curbside Pick-up to November 1, 2022 amended as follows; the date in #2 and #3 shall be November 1, 2022; a new #4 shall be inserted to add a midterm deadline of July 29, 2022 to apply to both the Right-of-Way Agreements for Temporary Outdoor Uses and for Temporary Outdoor Use Permits; to remove all roof coverings and to shorten structures that extend in front of adjacent businesses unless there is a written agreement to approve such extension; and all critical safety issues shall be remediated unless extended by no more than 30 days by the Building Official.

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

The Mayor reviewed the agenda pursuant to the ten o'clock rule.

M/s Coler Cutrano, Motion to go ahead with the last two items on the agenda.

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

The Council took a 7-minute recess at 10:13 pm.

22. Discuss the Concept of Prohibiting Gas-Powered Landscape Equipment and Provide Direction to Staff- Climate Action Coordinator

Coordinator Youra presented a staff report and PowerPoint presentation that included the following: 1) Prohibition of Gas-Powered Landscaping Equipment; 2) Decision Points; 3) Recommendations. He answered questions regarding notification and enforcement; funding; the phased-in approach; San Anselmo's Ordinance; who is eligible to get rebates; the timeline of a survey. He answered questions from Council.

Mayor Hellman opened the meeting to public comments.

Dr. Jody Timms stated the Climate Action Committee supported adopting an ordinance right away without doing a survey.

Mark Bell supported a ban and opposed doing a survey.

Mayor Hellman closed the meeting to public comments.

A majority of the Council determined to forgo a survey and to move ahead to phase in different types of equipment starting with leaf-blowers, unless there was research suggesting phase in was not necessary. The Council was concerned with equity and enforcement.

The Council requested more information on the rebate program, and on the electric equipment available. Staff was asked to come back with information and, if possible, an ordinance.

22. Discuss Format for Town Public Meetings Beginning in the Month of May, and Provide Direction to Staff- Town Clerk

Town Clerk Gardner presented a staff report and a PowerPoint presentation that included the following: 1) Meeting Format for Town Public Meetings; 2) Recommended Options; 3) Option Matrix. She discussed the four options: 1) Virtual meetings; 2) Hybrid format- Council in-person and public is virtual; 3) Hybrid format- Council in-person and public in-person or virtual; 4) Everyone in person with no virtual capability. The Town Council and Planning Commission are the only bodies that can do the Zoom hybrid format.

Town Attorney Coleson answered questions about the flexibility with respect to other bodies.

Mayor Hellman opened the meeting to public comments.

Frank Egger, Meadow Way, supported in-person meetings.

Mayor Hellman closed the meeting to public comments.

M/s, Coler/Goddard, Motion that the Council and Planning Commission use Option #3 and that the Council continue to adopt AB 361 Findings for the other committees and obtain a Town Zoom account for these other bodies effective in May.

AYES: Coler, Cutrano, Goddard, Mayor Hellman

ABSTAIN: Ackerman (through a roll call vote)

Council Reports and Comments: Mayor Hellman noted written reports were in the packet.

Town Manager's Report: There was no report.

Future Agenda Items

The following items were requested: 1) Discussion about Rent Stabilization (May); 2) Invitation to Supervisor Rice and Senator McGuire to attend a meeting; 3) an ARPA Workshop.

The meeting was adjourned at 12:05 p.m. in memory of Doug Wilson, Former Fairfax Councilmember

Respectfully submitted,
Michele Gardner, Town Clerk