

Fairfax Town Council Minutes
Regular Meeting and Special Meeting
Women's Club, 46 Park Road, and via teleconference
Wednesday, **May 4, 2022**

Mayor Hellman 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: Heather Abrams, Town Manager
Michele Gardner, Town Clerk

Approval of Agenda and Affidavit of Posting

M/s, Ackerman/Coler, Motion to approve the Agenda and the Affidavit of Posting.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

1. Interview applicant for Artist in Residence position and make appointment as appropriate

The Council interviewed Sharon Virtue for the Artist in Residence position for a three-year term (May 2022 – May 2025).

M/s Coler/Cutrano to appoint Sharon Virtue to the Artist in Residence position.

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

The Special meeting was adjourned at 6:50 pm.

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: Heather Abrams, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Rico Tabaranza, Police Chief

Approval of Agenda and Affidavit of Posting

M/s, Ackerman/Coler, Motion to approve the Affidavit of Posting and the Agenda with the continuation of item #19.

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

Presentations

Meet and Greet with Marin County Supervisor Katie Rice

Supervisor Rice discussed issues of concern to Fairfax and Marin County and answered questions from the Council.

Mayor Hellman opened the meeting to public comments.

Ling Shien Bell was concerned about sound pollution from electric landscaping tools.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler asked about the status of the Sunnyside Flood Detention Basin. Supervisor Rice stated construction should be finished by the end of the summer with landscaping occurring in October.

Open Time for Public Expression

Lisel Blash, Pacheco Avenue, thanked the Town for the Sidewalk Repair Grant Program.

Jack Judkins and Susan Pascal Beran, Chair and Vice Chair of the Open Space Committee, supported the Town's acquisition of two undeveloped parcels on Ridgeway.

Miriam Weinstein, Oak Tree Lane, stated the maximum size for houses, garages, and accessory dwelling units should be lowered, and supported permeable surfaces for paving.

Michael Mackintosh asked for a refund on his overpayment of the Utility User Tax.

A resident stated the proposed ban on gas powered landscaping equipment needed to be improved. He also expressed concerns regarding activity behind the Pavilion.

Mark Bell opposed the land acknowledgment. He was concerned about PG&E cutting down trees.

Consent Calendar

1. Adopt a Resolution Allowing for In-Person, Hybrid Teleconferenced, or Fully Tele-Conferenced Meetings of All Legislative Bodies Pursuant to the Provisions of AB361-
Town Attorney
2. Receive Financial Statement and Disbursement Reports March 2022- Finance Director
3. Approve minutes for the Town Council meetings of March 11 and 30, and April 6, 2022-
Town Clerk
4. Receive written report on Councilmembers' assignments, committees, and activities in April
5. Receive Monthly Recreation and Events Calendar for May 2022
6. Adopt a Resolution Confirming the Continued Existence of a Local Emergency at or Near 195 Pine Drive, Fairfax, and Continuing Authorization for the Emergency Procurement of Materials and Labor without Competitive Bidding

7. Receive Town Treasure Quarterly Report for Quarter Ending March 31, 2022
8. Endorse Marin County Measure "A" Parks
9. Adopt a Resolution Adopting a Flag Display Policy
10. Approve Amendment #4 to Agreement with Fredric C. Divine Architects (FCDA) in an amount not to exceed \$377,000 for additional design and structural engineering services required for the Pavilion Seismic Retrofit project and for the Pavilion Electric Kitchen project
11. Proclaim the first Friday in June 2022 National Gun Violence Awareness Day
12. Approve concept of \$2,000 donation to the Marin Countywide gun buyback effort
13. Introduce an Ordinance Authorizing a Special or Military Equipment Use Policy for the Fairfax Police Department Pursuant to California Assembly Bill 481
14. Receive Quarterly Financial Report on Department of Recreation and Community Services from January through March 2022
15. Receive update on Long-Term Outdoor Dining
16. Receive report on the schedule for the Fiscal Year 2022/23 Proposed Operating and Capital Improvement Budget

Vice Mayor Cutrano asked to remove item #13 from the Consent Calendar for discussion.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh asked that items #2 and #7 be removed for discussion.

Janet Tablisi thanked the Council for adopting the Proclamation on gun violence awareness.

Mark Bell referred to Item #15 and supported a fee for use of public space. He had concerns about structures being opaque.

Joe McGarry discussed police shootings.

Mayor Hellman closed the meeting to public comments.

M/s, Ackerman/Coler, Motion to approve the Consent Calendar with the removal of item #13 for discussion and clerical correction to the April 6, 2022 minutes.

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

Regular Agenda

17. Direct Town resources to review and draft a rent stabilization ordinance, and direct staff regarding which recommended option to pursue at this time

Town Manager Abrams presented a staff report and a PowerPoint presentation that included the following: 1) Discussion of Rent Control; 2) Staff Recommendation; 3) Current Rent and Eviction Protections in Fairfax; 4) Summary of Resolution Options.

Mayor Hellman opened the meeting to public comments.

The following people spoke in favor of rent control: Megan; Curt Ries, Co-Chair of the Marin Democratic Socialists of America; Maureen McManus, representing the California Alliance for Retired Americans; Susan Adams; Chris Perrando; Heather Windom; Lisel Blash; Kyle Ainsler, Co-Chair of the Marin Democratic Socialists of America; Chris Bartel read a letter from a Fairfax resident; Wendy; Miriam Weinstein; Lakshmi; a 15-year resident; Erin Armstrong; Kris Organ (former Executive Director of SEIU Local 949); Alison Hamburg, Maddy Hirschfield read a letter from Emily Conway; Rainero Miranda; P.J.; Joe McGarry; Jack Buckhorn, North Bay Labor Council; Eduardo Torres; Lucie Hollingsworth; Eryka Milligan; Holly; Karym Sanchez, North Bay Organizing Project; Ellen Lovelidge; North Bay Jobs with Justice; Leah Simon-Weisberg; Poindexter; Megan; Chris Morales.

Michael Mackintosh discussed the Costa-Hawkins Act and stated rent control subsidizes big business.

The following people spoke in opposition to rent control; Sharab Bogan; Romeo Arrieta, Marin Association of realtors; Morgan Hall; Joshua Howard; Pamela Meigs; Deborah Benson.

Rhovy Lyn Antonio, representing the California Apartment Association, asked the Council to delay a decision in order to get more information and analyze two existing laws.

Mayor Hellman closed the meeting to public comments. The Council took a 5-minute recess and reconvened at 10:03.

Mayor Hellman reviewed the agenda pursuant to the 10:00 rule.

M/s Coler/Ackerman to hear the last two items on the agenda.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

The Council gave direction to staff as follows:

Create a one-year pilot program that is similar to Option B. In September, present an outline/framework of such a program, with information on agencies that would assist with a rent control program; information about costs and fees; possibly a draft ordinance; and a possible appeal process. At the July or August meeting, present possible revisions to the Just Cause Ordinance including rooms in houses, Junior Accessory Dwelling Units (JADU), waiving last month's rent for no fault terminations, right of return; protections for vulnerable populations (seniors, families in middle of school year), such as a notice requirement.

M/s, Goddard/Ackerman, Motion to establish an ad hoc subcommittee of Mayor Hellman and Councilmember Cutrano to work with staff.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

13. Introduce an Ordinance Authorizing a Special or Military Equipment Use Policy for the Fairfax Police Department Pursuant to California Assembly Bill 481

Town Attorney Coleson and Police Chief Tabaranza presented a staff report. They answered questions from the Council regarding storage of the equipment; protocols for use; use of bodycams.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh recognized Police Chief Tabaranza and the Police Department.

Mayor Hellman closed the meeting to public comments.

M/s, Goddard/Coler, Motion to Introduce and waive the first reading of an Ordinance Authorizing a Special or Military Equipment Use Policy for the Fairfax Police Department.

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

Public Hearings

18. This item has been continued to the June 1, 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 June 1, 2022 meeting.

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

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

19. Introduce an Ordinance Amending Town Code Title 17 (Zoning), Chapters 17.008 ("Definitions"), 17.052 ("Off-Street Parking and Loading Requirements"), Chapters 17.076 ("RS-7.5 Single-Family Residential Zone, Medium Density"), 17.080 ("RS-6 Single-Family Residential Zone, High Density"), 17.124 ("UR Upland Residential Zone"), Incorporating a Definition of "Short Term Housing", Providing Parking Regulations for Said Short Term Rental Use and Including Short Term Rentals as Permitted Uses in All Single Family Residential Zone Districts, and Introduce an Ordinance Adding Chapter 5.57 of the Fairfax Town Code, entitled "Short-Term Rental Program; and Adopt a Resolution Establishing Policies and Procedures for the Administration of the "Short-Term Rental Program" as Set Forth in Fairfax Town Code Chapter 5.57. This item is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), and 15301(a)- Town Attorney

Mayor Hellman stated this item was continued to the June 1st meeting.

Regular Agenda

20. Introduce and read by title only an Ordinance Amending Section 2.08.010 ("Council Meetings") of the Town Code to set a 6:30 p.m. start time for Town Council regular Meetings; not subject to CEQA per Guideline Sections 15060(c)(3), 15378, and 15061(b)(3)

Town Clerk Gardner presented a staff report.

Mayor Hellman opened the meeting to public comments.

Michael Mackintosh stated the Council should review this issue each year.

Mark Bell stated there were too many items on the Consent Calendar for the public to comment on.

Mayor Hellman closed the meeting to public comments.

M/s, Cutrano/Ackerman, Motion to Introduce and read by title only an Ordinance Amending

Section 2.08.010 (“Council Meetings”) of the Town Code to set a 6:30 p.m. start time for Town Council regular Meetings.

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

21. This item has been continued to June 1, 2022- Introduce an Ordinance Regulating the Use of Gasoline-Powered Landscape Equipment- Town Attorney, Climate Action Coordinator

Mayor Hellman stated this item has been continued to the June 1, 2022 meeting.

Council Reports and Comments

Mayor Hellman noted written reports were in the packet.

Town Manager’s Report

There was no report.

Future Agenda Items

Councilmember Cutrano would like a discussion regarding Upper Ridgeway parcel per Open Space Committee request placed on the next agenda.

Councilmember Goddard would like to have Council discussion and public input regarding short-term rentals prior to adoption of an ordinance.

Mayor Hellman opened the meeting to public comments.

Frank Egger stated the staff report for agenda item #19 was not on the website.

Michael Mackintosh supported Councilmember Goddard’s request.

Mayor Hellman closed the meeting to public comments.

The meeting was adjourned at 11:55 p.m.