

Fairfax Town Council Minutes
Special Meeting in Closed Session and Continued Adjourned Regular Meeting
(From July 6, 2022 due to a power outage)
Tuesday, July 12, 2022
Via teleconference only

Mayor Hellman called the Special Meeting for a Closed Session to order at 5:30 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Barbara Coler
Chance Cutrano
Renee Goddard
Stephanie Hellman

COUNCILMEMBERS PRESENT: Bruce Ackerman

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Michael Vivrette, Finance Director
HR Consultant Deborah Muchmore

Approval of Agenda and Affidavit of Posting

M/S, Coler/Cutrano, motion to approve the agenda and the affidavit of posting.

AYES: Coler, Cutrano, Goddard, Mayor Hellman

ABSENT: Ackerman

There was no public comment.

Adjourn to Closed Session on the following matter:

Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representatives: Town Manager Heather Abrams, Finance Director Michael Vivrette, HR Consultant Deborah Muchmore, Town Attorney Janet Coleson
Employee Organizations: Fairfax Police Officer's Association, Service Employees Union International ('SEIU'), Local 1021; Unrepresented Employee Units

Mayor Hellman called the **Continued Adjourned Regular 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
Janet Coleson, Town Attorney

Approval of Agenda and Affidavit of Posting

M/S, Cutrano/Goddard, motion to approve the agenda and the affidavit of posting.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

Report out on Closed Session

Mayor Hellman reported there was nothing to report.

Announcements

Councilmember Goddard announced there a “Ready and Resilient Ross Valley” event.

Regular Agenda

18. Authorize the Mayor to send a letter in support of the services provided by the Fairfax San Anselmo Children’s Center- Town Manager

Town Manager Abrams presented a staff report.

Mayor Hellman opened the meeting to public comments.

Eryka Milligan and Joe McGarry supported the services provided by the Fairfax-San Anselmo Children’s Center.

Frank Egger, Meadow Way, stated the school was within the Town limits and discussed its lease. Fairfax would have total jurisdiction should the Children’s Center be forced to close. Any future use would have to comply with Fairfax zoning.

Mayor Hellman closed the meeting to public comments.

Mayor Hellman stated she would like to work on the letter with Councilmember Goddard.

Councilmember Goddard stated they need to explore the scope of the Town’s authority.

M/S, Cutrano/Goddard, motion to form an ad hoc subcommittee consisting of Mayor Hellman and Councilmember Goddard to work on the letter.

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

23. Discuss possible amendments to Town Code Chapter 5.54 ‘Just Cause Evictions’ and provide direction to staff

Town Manager Abrams presented a staff report.

Mayor Hellman opened the meeting to public comments.

The following speakers supported the rent control protections listed in the staff report attachment: Susan Adams, Maureen McManus (representing the California Alliance for Retired Americans), Maegan Mattock, Wendy Botwin, Curt Ries (Marin DSA President), Susan Mulloy, Eryka Milligan, Lucy Hollingsworth (Legal Aid of Marin), Madd Hirshfield (Political Director of the North Bay Labor Council), Joe McGarry, Kyle Amsler (Marin DSA), Judy Schriebman (representing the Sierra Club), Ellen, Alison Hamburg, PJ Feffer, Kelly Newman, Malcolm, and Lisel Blash, supported rent control protections.

Michael Mackintosh stated rents were too high but forcing the burden onto landlords was not a workable solution.

Mayor Hellman closed the meeting to public comments.

Mayor Hellman referred to Attachment B, Proposed Additions and Changes, and asked for the Council's comments regarding #1 through #12.

Councilmember Coler referred to #1, Right of Return, and had some suggestions. She agreed with the concept.

Councilmember Ackerman agreed with Councilmember Coler's comments. He wanted to prevent subterfuge on the part of a landlord.

Vice Mayor Cutrano supported #1 but had some reservations about some of the suggestions made by Councilmember Coler.

Councilmember Goddard supported #1 and had a question about how administrative tasks would be performed.

Councilmember Goddard referred to #2 and asked how these protections are applied when a lease expired.

Councilmember Coler supported not allowing an eviction if a person is terminally ill or severely disabled for one year. Councilmember Ackerman concurred.

Vice Mayor Cutrano supported #2 and stronger protections for the most vulnerable.

Mayor Hellman stated 72% of occupants of rental housing are financially vulnerable according to the Fairfax 2021 Housing Needs Data Report.

Councilmember Coler referred to #3 and suggested some compromise language: "120 days' notice" and "limit the no-move-out to the school year only". She noted many landlords have owned their home for many years and are supplementing incomes. There needed to be a balance.

Vice Mayor Cutrano stated he was not sure he supported the "end of the school year" clause. He supported #3 as it stood. Mayor Hellman and Councilmember Goddard agreed.

Councilmember Ackerman was leaning towards Councilmember Coler's suggestions.

Councilmember Ackerman supported #4 and stated he would prefer a six-month notice instead of one year.

Vice Mayor Cutrano, Councilmember Goddard, and Mayor Hellman supported #4.

Councilmember Coler suggested a 120-day notice.

Councilmember Coler referred to #5 and stated the suggested payments were too high and it should be limited to one month's rent only.

Vice Mayor Cutrano supported #5.

Councilmember Goddard supported #5 but felt the numbers were high.

Councilmember Ackerman left the meeting and was not able to return right away.

Mayor Hellman wanted to explore reducing the numbers slightly and consider a figure equal to three month's rent.

Councilmember Coler referred to #6 and suggested paying \$75 per day with temporary storage paid by the landlord.

Vice Mayor Cutrano, Councilmember Goddard, and Mayor Hellman supported #6 as proposed.

Councilmember Coler referred to #7 and stated this was creating a new standard for what a "breach of lease". She did not support #7.

Vice Mayor Cutrano, Councilmember Goddard, and Mayor Hellman supported #7.

Vice Mayor Cutrano supported #8 and stated it made a lot of sense.

Councilmembers Coler, Goddard, and Mayor Hellman supported #8.

Councilmember Coler referred to #9 and stated this was already in the Town Code and they should defer to the Town Attorney on these matters. The other Councilmembers agreed.

Vice Mayor Cutrano supported #10. He was not sure about the 45 day timeline and would like to see the agreement available in different languages.

Councilmember Coler supported the language except for the following: "The tenant may rescind the buy-out agreement for up to 45 days after it is fully executed". This is unreasonable and is not providing a level "playing field". Councilmember Goddard agreed.

Mayor Hellman stated she could agree with reducing the 45-day timeline or omitting it altogether.

The Council was in favor of the first, second, and fourth bullet and decided to omit the third bullet.

Councilmember Coler referred to #11 and stated she did not want to set up new standards. She would like this reviewed by the Town Attorney.

Vice Mayor Cutrano agreed that this should be deferred to the Town Attorney.

Councilmember Coler referred to #12 and stated these protections should not apply to a tenant living in somebody's house or affordable housing units.

Councilmember Goddard agreed- she would leave out Junior Accessory Dwelling Units (JADUs) or affordable housing.

Vice Mayor Cutrano stated JADU's are similar to separate dwelling units and he is not inclined to carve them out. He wanted renter protections to cover the broadest scope.

Mayor Hellman supported #12 as is.

Mayor Hellman summarized the Council discussion as follows: #1, #2, #3, #4, #6, #7, #8, #9 are supported as written. #5 will go back to staff and look at alternate numbers; #10 is supported except for rescission and adding in translation; #11 is deferred to the Town Attorney; #12 was split.

The Council reached consensus to hold a workshop/community forum at the beginning of the September 7th regular meeting for better community education and engagement regarding this issue. An ordinance could be introduced at a special meeting in September and adopted at the October regular meeting. Staff was directed.

24. Adopt Resolution Authorizing the Town Manager to Execute a Professional Services Agreement with Interwest Consulting for Public Works Consulting Services

Town Manager Abrams presented a staff report and answered questions from the Council.

Mayor Hellman opened the meeting to public comments.

Mark Bell was concerned about the cost and the use of consultants.

Mayor Hellman closed the meeting to public comments.

M/S, Cutrano/Coler, motion to Adopt Resolution Authorizing the Town Manager to Execute a Professional Services Agreement with Interwest Consulting for Public Works Consulting Services

AYES: Coler, Cutrano, Goddard, Mayor Hellman

ABSENT: Ackerman

25. Adopt a Resolution Appointing David Woltering as Interim Planning & Building Services Director and Approving Employment Contract

Town Manager Abrams presented a staff report. Mr. Woltering stated he was looking forward to serving the community of Fairfax.

Mayor Hellman opened the meeting to public comments.

Frank Egger, Meadow Way, discussed a recent project Mr. Woltering previously worked on.

Mayor Hellman closed the meeting to public comments.

Town Attorney Coleson requested the formation of an ad hoc subcommittee, consisting of two Councilmembers, to work with Interim Planning Director Woltering on Housing Element issues.

Mayor Hellman supported this request.

Councilmember Coler stated she and Councilmember Goddard could serve on this subcommittee since they have experience on the prior Housing Element.

Councilmember Ackerman rejoined the meeting.

M/S, Cutrano/Coler, motion to adopt a Resolution Appointing David Woltering as Interim Planning & Building Services Director and Approving Employment Contract.

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

M/S, Cutrano/Coler, motion to establish an ad hoc subcommittee consisting of Councilmembers Coler and Goddard to work with Interim Planning Director Woltering on Housing Element issues.

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

26. Discuss/consider Pavilion Seismic Retrofit Project additional funding request

Town Manager Abrams presented a staff report and a PowerPoint presentation. She answered questions from the Council regarding the request for a six-month extension for the project; if the Town would receive the FEMA funds if the project was not completed by May 2023; cost to the Town; amount of grant if they waited for the new FEMA grant cycle; other possible funding sources.

Mayor Hellman opened the meeting to public comments.

Frank Egger, Meadow Way, stated this restoration could be a great project, but they should be prepared for relics and delays, as happened in the past when digging at the site.

Mayor Hellman closed the meeting to public comments.

The Council discussed how they could not meet the timeline even if they were to get the six-month extension; there were too many uncertainties, including artifacts and possible human remains. There will be a new grant cycle at some point.

M/S, Coler/Goddard, motion to put the Pavilion Seismic Retrofit Project on hold.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

Council Reports and Comments

Mayor Hellman stated the reports were in the Council packet.

Town Manager Report

Town Manager Abrams reported staff installed six new electric water heaters throughout Town facilities.

Future Agenda Items

Town Clerk Gardner reported on items that would be on upcoming agendas.

The meeting was adjourned at 10:51 p.m.