

Fairfax Town Council Minutes
Regular Meeting
via teleconference
Wednesday, August 3, 2022

Mayor Hellman called the Closed Session meeting to order at 5:30 p.m. via teleconference due to the Coronavirus (Covid-19).

Call to Order/Roll Call:

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

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

M/s Coler/Ackerman to approve the agenda and affidavit of posting.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman through a roll call vote.

There was no public comment.

Adjourn to Closed Session on the following matter:
Conference with Labor Negotiators
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 Organization: Fairfax Police Officers' Association, Service Employees International Union ('SEIU) Local 1021, Unrepresented Employee Units

Mayor Hellman called both the Regular Meeting and 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
Janet Coleson, Town Attorney
David Woltering, Interim Planning Director
Michael Vivrette, Finance Director
Sean Youra, Climate Action Coordinator

Report on Closed Session

Mayor Hellman stated there was nothing to report.

Approval of Agenda and Affidavit of Posting

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

Announcements

Mayor Hellman made the announcements as they appeared on the agenda. Councilmember Cutrano announced that the Open Space Committee's Summer Bio-blitz.

Presentations

1. Presentation by California State Senator Mike McGuire

Senator McGuire gave a presentation to the Council and the public regarding current issues including the state of the California Budget, the drought, flooding, Pacific Gas and Electric's Vegetation Management Program, and abortion rights and protections.

Mayor Hellman opened the meeting to public comments.

Sandy Handsher thanked Senator McGuire for the good work.

PJ Feffer and Larry Bragman supported undergrounding electric lines.

Tony Gardner thanked Senator McGuire for his efforts to end veteran's homelessness.

Mark Bell asked if there were other avenues to take against PG&E cutting down trees.

Richard Applebaum stated new firefighting equipment (helicopters, etc.) was needed.

Mayor Hellman closed the meeting to public comments.

Senator McGuire responded to the public's questions.

M/S, Hellman/Cutrano, Motion to move Presentation #3 in front of presentation #2.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

3. Library Garden Project

Margaret Miles, Fairfax Branch Manager, gave a PowerPoint presentation about the project.

Mayor Hellman opened the meeting to public comments.

Mallory Geithem was concerned about unhoused persons living in this new area.

Richard Applebaum supported the project.

Dr. Jody Timms supported the project.

Mayor Hellman closed the meeting to public comments.

2. Presentation on Homelessness

Ashley Harte MacIntyre, representing Marin County Health and Human Services, gave a PowerPoint presentation. She answered questions from the Council regarding changes in Federal law; what case worker engagement looks like and the process

Howard Bunce, representing the Marin County Storm Water Pollution Prevention Program (MCSTOPPP) gave a PowerPoint presentation.

Councilmember Goddard and Vice Mayor Cutrano mad brief remarks on how the Town has engaged with the County around Homelessness.

Mayor Hellman opened the meeting to public comments.

Jason Sarris was impressed by Chief Tabaranza's approach, and stated the Town was doing a good job.

Steven Tejeiro stated it takes compassion and care to help community members move forward.

Deborah Benson had questions about rules in shelters and how to accommodate those who cannot abide by those rules.

S.O. asked about the factors that affect success rates.

Mallory Geithem stated the issue is affordable housing.

Robbie Powelson stated there is a lot of finger pointing at people who do not have property or shelter.

Michael Mason stated homelessness is a housing issue at its root cause.

Megan F. asked for the definition of an urban creek.

Michael Macintosh stated communities should take ownership of the homeless since they are usually from that area.

Mark Bell stated homelessness is a decades old problem, and he was glad to hear work they were working on it.

Diana Farr stated people should not be allowed to live in a children's park.

Wendy, Mimi Newton, and Joe McGarry asked for more compassion towards the homeless.

Kathy Flores suggested the Town install a sign on both sides of the creek regarding its health and the potential risk factors.

Kenneth Kennedy stated he was homeless and harassed by the Fairfax Police Department for expired tags.

Joe McGarry supported the previous speaker.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler stated she would like the flyers that were distributed at the Farmers

Market posted on the Website.

Mayor Hellman liked the suggestion about putting signs up at the creek. She would also like to have a discussion about restoring the creek bank.

Councilmember Cutrano agreed with the suggestion for signage and creek bank restoration. Peri Park would be a great place to start.

The Council took a 3-minute break at 9:34 pm.

Open Time

Dr. Jody Timms reported the Climate Action Committee, along with the San Anselmo Climate Action Commission, will be distributing information at the Good Earth. She also gave an update on Age Friendly Fairfax.

Lucie Martiken and Elise Jonas-Delson discussed the climate crisis and the importance of clean energy.

Larry Bragman, MMWD Director, gave an update on the fire hydrant testing at the Fairfax/San Anselmo Children's Center.

Kariana Edrington stated a Ukrainian refugee is coming to live with her family and she asked if a Ukrainian flag could be flown in Fairfax.

Deborah Benson stated the Town arborist had suggested cutting curbs across from Peri Park to help water the Redwoods. She requested a shade for the LED street lights along her street.

Mallory Geitheim thanked the Council for the music in Peri Park.

Michael Macintosh stated he has interacted with the Police Department over the years and has found them to be very compassionate.

Mark Bell stated the Land Acknowledgment was absurd.

The mayor closed Open Time and reviewed the 10:00 rule.

M/S, Coler/Cutrano, Motion to waive the 10:00 p.m. rule and continue with the agenda
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

Mayor Hellman stated the Consent Calendars would be opened and acted on concurrently.

Special Meeting Consent Calendar

1. Adopt Resolution Rarifying the Appointment of Public Works Director- Town Manager
2. Adopt Resolution Ratification Authorizing the Display of the Ukrainian Flag- Town Clerk

Regular Meeting Consent Calendar

4. Adopt Resolution Allowing for In-Person, Hybrid Teleconferenced, or Fully Teleconferenced Meetings of all Legislative Bodies Pursuant to the Provisions of AB 361- Town Clerk
5. Receive Financial Statements and Disbursement Reports June, 2022- Finance Director

6. Approve minutes for the May 13 and June 15, 2022 Town Council meetings- Town Clerk
7. Receive written report on Councilmembers' assignments, committees, and activities in July- Administrative Analyst
8. Reappoint Mallory Geitheim to the Affordable Housing Committee- Town Clerk
9. Receive Treasurer's Report for Quarter Ending June 30, 2022- Town Treasurer
10. Adopt a resolution to set the living wage for Town employees and Town contract employees pursuant to the annual review requirements of Section 8.56.020 of the Town Code- Finance Director
11. Adopt a Resolution Confirming the Continuing 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- Town Manager
12. Receive Quarterly Financial Report on Department of Recreation and Community Services from April through June, 2022- Community Services Manager
13. Adopt a Resolution Adopting a Trade-in and Rebate Program for Landscape Equipment- Climate Action Coordinator
14. Receive Quarterly Climate Action Status Updates- Climate Action Coordinator
15. Approve Responses to Marin County Civil Grand Jury Report entitled *Electrifying Marin's Buildings: A Countywide Approach*- Climate Action Coordinator
16. Adopt Resolution Authorizing Notice Inviting Bids for 378 Scenic Road Storm Damage Repair, Town Project No. 51-813- Town Manager
17. Adopt Resolution Authorizing Notice Inviting Bids for 378 Wreden Avenue Storm Damage Repair, Town Project No. 51-826- Town Manager
18. Adopt a Resolution of the Town of Fairfax approving an agreement with the County of Marin to purchase two undeveloped parcels on Upper Ridgeway Avenue to preserve open space and authorizing the Town Manager to execute the agreement and take all necessary actions to facilitate the purchase- Town Attorney

Mayor Hellman opened the meeting to public comments.

David Moller, Marin/Sonoma Building Electrification Squad, supported item #18.

Michael Mackintosh asked the Council to pull items #4 and #13 from the Consent Calendar for discussion.

Joe McGarry referred to Special Meeting Consent Calendar item #2 and stated atrocities occur all over the world.

Mark Bell asked that item #13 be pulled for discussion; he was opposed to second readings on consent.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler had comments on #6, #15, #16, and #17.

Vice Mayor Cutrano had comments on Special Meeting Consent Calendar item #1 and #18.

Councilmember Goddard had a comment on items #4, #12, and #14.

Councilmember Ackerman had a comment on item #18.

M/S, Cutrano/Coler, Motion to approve the Special and Regular Meeting Consent Calendars with an amendment to the Resolution in item #17: The addition of the dollar figure, which is \$240,000, and the addition of a "Whereas" with the Capital Improvement Project (CIP) Number.
AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

Public Hearings

19. This item is continued to September 7, 2022: 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. 002-152-32: Residential Single-Family RS-6 Zone; Verle and Marene Sorgen, appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)

Mayor Hellman stated this item was continued to the September 7, 2022 Council meeting.

Regular Agenda

20. Introduce an Ordinance of the Town of Fairfax adding Chapter 5.58 entitled "Parklets" to Title 5 of the Fairfax Town Code; introduce an Ordinance of the Town of Fairfax amending Town Code Chapter 12.32 ("Temporary Carports and other Structures in the Public Rights-of-Way") to include separate processes for granting encroachment permits for residential structures from commercial parklet structures, amending Section 12.32.020 to regulate only residential structures and adding Section 12.32.025 to regulate commercial structures and amending Chapter 17.096 ("CH Highway Commercial Zone"), Section 17.096.040 ("Principal Permitted Uses and Structures") and Chapter 17.100 ("CC Central Commercial Zone"), Section 17.100.040 ("Principal Permitted Uses and Structures") to allow parklets as a permitted use and parklet enclosures with an encroachment permit issued by the Public Works Department for commercially developed properties in the CH and CC zone districts; and adopt a Resolution of the Town of Fairfax Adopting "Parklet Standards" and find it exempt from CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations

Town Manager Abrams presented a staff report. She and Interim Planning Director Woltering answered questions from the Council regarding terms and definitions; public vs. private parklet uses; outdoor music in the parklet; does tonight's review include the uses or the architectural aspects; roof design and materials.

Mayor Hellman opened the meeting to public comments.

Deborah Benson, Cascade Drive, stated the parklets made sense during the pandemic but it is time for them to be removed. They are not aesthetically pleasing and compromise safety.

Mallory Geitheim agreed with the comments made by the previous speaker.

PJ Feffer stated asked about signage to designate spaces for public vs private use.

Mark Bell opposed amplified music in parklets and was concerned about safety hazards.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler supported the more generic term of “parklet”.

M/S, Coler/Ackerman, Motion to introduce, waive first reading, and read by title only an Ordinance of the Town Council of the Town of Fairfax establishing a Parklet Program and adding a new Chapter 5.58 entitled “Parklets” to Title 5 of the Fairfax Town Code with the following changes: 1) The fourth “Whereas” in Attachment “A” shall be deleted and instead shall read: “Whereas” on July 6, 2022, the Town Council adopted Resolution No 22-53 extending the expiration date for all outdoor dining TEP’s and TUP’s to December 15, 2022; and on Attachment “A” adding item “F” which states that there will be no amplified music in the parklets. AYES: Ackerman, Coler, Cutrano, Goddard, Mayor Hellman

M/s, Coler/Ackerman, Motion to introduce, waive first reading and read by title only and introduce an Ordinance of the Town of Fairfax amending Town Code Chapter 12.32 (“Temporary Carports and other Structures in the Public Rights-of-Way”) to include separate processes for granting encroachment permits for residential structures from commercial parklet structures, amending Section 12.32.020 to regulate only residential structures and adding Section 12.32.025 to regulate commercial structures and amending Chapter 17.096 (“CH Highway Commercial Zone”), Section 17.096.040 (“Principal Permitted Uses and Structures”) and Chapter 17.100 (“CC Central Commercial Zone”), Section 17.100.040 (“Principal Permitted Uses and Structures”) to allow parklets as a permitted use and parklet enclosures with an encroachment permit issued by the Public Works Department for commercially developed properties in the CH and CC zone districts.

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

M/s Coler/Ackerman, Motion to adopt a Resolution of the Town of Fairfax Adopting “Parklet Standards” with the following two changes: 1) On page 7, the diagram shall replace the name “outdoor dining structure” with the term “parklets”; and 2) On page 5 and 6, add under “Flood Safety”: “Parklets must be designed to prevent flotation, collapse, or lateral movement due to water action including hydrodynamic and hydrostatic flows and buoyancy. If located in a flood zone, platforms must be designed to allow water to flow through the area utilizing materials such as wire or other materials that may be removed during high floods or rain. The platform and associated improvements must comply with FEMA flood regulations and allow for the free flow of water in the roadway.

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

Mayor Hellman reviewed the 11:30 rule.

M/S, Ackerman/Goddard, Motion to waive the 11:30 p.m. rule

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

21. Receive Status Update on Green Building Reach Code and Ordinance Development

Coordinator Youra presented a staff report and a PowerPoint presentation. He answered questions from the Council regarding requirements for remodels; the focus on getting things “electric-ready”; if permits that have been pulled would be impacted by the “all electric” code for new development.

Mayor Hellman opened the meeting to public comments.

Mark Bell discussed the difficulties in remodeling older houses and American made vs. European appliances.

Mayor Hellman closed the meeting to public comments.

Council Reports and Comments

Mayor Hellman stated these reports were included in written form in the packets.

Town Manager's Report

Interim Planning Director Woltering reported the Housing Element Subcommittee met with the consultants and discussed timelines and components of the project including the Eco-Village concept and the Objective Development and Design Standards (ODDS). He discussed the timeline and the approach that should be taken to complete this project. Staff would like to schedule a working session with the Planning Commission on August 31st.

Future Agenda Items

There were no future agenda items.

The meeting was adjourned at 12:35 a.m. in memory of Judy Kantor, Tim Mazzola, Sarah (Sally) Bobst Chourre, Ramakumar.