

**DRAFT**  
Fairfax Town Council Minutes  
Special Meeting in Closed Session, Special Meeting to Conduct Interviews,  
and Regular Meeting  
Women's Club, 46 Park Road and via Zoom teleconference  
Wednesday, **July 6, 2022**

Mayor Hellman called the Special Meeting for a Closed Session to order at 5:15 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  
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.

The Council adjourned 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

Mayor Hellman called the Special Meeting to order at 6:00 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

Approval of Agenda and Affidavit of Posting

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

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

1. Interview applicant Lisa Hillstrom and consider her appointment to the Parks and Recreation Commission (PARC)- Town Clerk

The Council interviewed Ms. Hillstrom. There was no public comment.

M/s Goddard/Coler to appoint Lisa Hillstrom to the Parks and Recreation Commission for an unexpired term to 3/31/26.

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

2. Interview applicant Iris Waskow for appointment to Fairfax Volunteer Board- Town Clerk

The Council interviewed Ms. Waskow. There was no public comment. Consideration of her appointment was on the consent calendar.

Mayor Hellman called the **Regular Meeting** to order at 6:30 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Bruce Ackerman  
Barbara Coler  
Chase Cutrano  
Renee Goddard  
Stephanie Hellman

**STAFF MEMBERS PRESENT:**

Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Michael Vivrette, Finance Director  
Rico Tabaranza, Chief of Police

Town Attorney Coleson stated the following change should be made to Consent Calendar Item #14: Change "Introduce" to "Second Reading and Adoption...Residential Zone Districts; and *Adopt* an Ordinance..." and delete the Adoption of the Resolution.

Approval of Agenda and Affidavit of Posting

M/S, Coler/Ackerman, motion to approve the agenda, with the changes to Consent Calendar item #14 as stated by the Town Attorney, and the affidavit of posting.

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

Report out on Closed Session

Mayor Hellman stated there was nothing to report.

Presentations

1. Proclamation of Gratitude to Joan Bostian for her Contributions to the Community through the Women's Fitness Center- Mayor Hellman

Mayor Hellman presented the Proclamation to Joan Bostian.

2. Proclamation in Honor of Hamid Shamsapour- Mayor Hellman

Mayor Hellman presented the Proclamation to Mr. Shamsapour.

### Open Time

Michael Mackintosh discussed his UUT overpayment and concern about the number of items on the Consent Calendar.

Josa Buennagel, Fairfax representative to the Commission on Aging, gave an update on the activities of the Commission and of Age Friendly Fairfax.

Mark Bell stated the Land Acknowledgement was disingenuous and agreed that there were too many items on the Consent Calendar.

Joe McGarry offered suggestions on how to enhance public engagement.

Dr. Jody Timms thanked the Council for the recent Festival Parade and Eco-Fest.

Councilmember Ackerman announced that the Women's Club had a new all-electric hot water heater, the first of five that are being installed in Town-owned buildings. He thanked staff.

### Consent Calendar

3. Adopt Resolution Allowing for In-Person, Hybrid Teleconferenced, or Fully Teleconferenced Meetings of all Legislative Bodies Pursuance to AB 361- Town Clerk
4. Receive Financial Statements and Disbursement Reports May 2022- Finance Director
5. Approve minutes for the June 1, 2022 Town Council meetings- Town Clerk
6. Receive written report on Councilmembers' assignments, committees, and activities in June- Administrative Analyst
7. Adopt a Resolution Confirming the Continued Existence of a Local Emergency at or near 195 Pine Drive, Fairfax, and continued Authorization for the Emergency Procurement of Materials and Labor Without Competitive Bidding- Interim Public Works Director
8. Adopt a Resolution Calling for a General Municipal Election to be held on November 8, 2022, for the Election of Certain Officers, Requesting the Marin County Board of Supervisors to Consolidate with any other Election Conducted on that Date, and Requesting Election Services of the County Elections Department- Town Clerk
9. Adopt a Resolution Calling for Election for Renewal of the Ross Valley Paramedic Authority Four-Year Special Parcel Tax at an Increased Rate for 2024/2027- Town Clerk
10. Adopt a Resolution expanding membership of the Volunteer Board to include residents of 94930-zip code area, limiting unexcused absences of board members, and setting terms of office three years from the date of appointment of individual members- Town Manager
11. Appoint Iris Waskaw to the Volunteer Board- Town Clerk
12. Reappoint Jack Judkins to the Open Space Committee- Town Clerk

13. Adopt a Resolution extending the current terms for Temporary Outdoor Use Permits and Temporary Encroachment Permits to December 15, 2022- Town Manager
14. Second Reading and Adoption of 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 Rental, 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 of the Town Council Of the Town of Fairfax Adding Chapter 5.57 Entitles "Short-Term Rental Program"; and Adopt a Resolution Adopting 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 for further review under CEQA pursuant to Guidelines Section 15061(b)(3) and 15301(a).- Town Attorney
15. Second Reading and Adoption of an Ordinance Amending Section 1.08.020(A), 'Violations Designated Infractions', of Title 1 of the Fairfax Municipal Code and Adding Chapter 8.74, 'Gasoline Powered Landscape Equipment', to Title 8 of the Fairfax Municipal Code. This is Exempt from CEQA pursuant to Guidelines 15061- Town Attorney, Climate Action Coordinator
16. Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2022 through June 30, 2023, and Providing for the Appropriations of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith- Town Manager
17. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year 2020-21- Finance Director
18. Authorize the Mayor to send a letter in support of the services provided by the Fairfax-San Anselmo Children's Center- Town Manager
19. Authorize the Town Manager to prepare and submit the Fiscal Year 22-23 work plan to Marin County for the use of the Town's Measure A Park Funds- Town Manager
20. Adopt a Resolution Authorizing the Town Manager to Execute the First Amendment to Agreement with Ralph Anderson & Associates for Recruitment Services for a Planning and Building Services Director- Town Manager
21. Adopt Resolution Amending the Salary Schedule Reflecting an Adjustment to the Planning & Building Services Director and Public Works Director- Town Manager

Councilmember Coler stated she submitted clerical changes to the June 1<sup>st</sup> minutes to the Town Clerk. She made a comment on item #18.

Mayor Hellman stated she would like to pull #18 for discussion.

Mayor Hellman opened the meeting to public comments.

Rick Hamer referred to item #20 and stated his concern that local people were not considered to fill vacancies on Town staff.

Michael Mackintosh agreed with the previous speaker. He referred to item #15 and suggested an incremental approach.

Frank Egger referred to item #14 and stated units in the RM zones should not be exempt. He was concerned about the loss of affordable housing units due to short-term rentals.

Ling Shien Bell, Dominga Avenue, agreed with the comments made by Rick Hamer.

Mark Bell referred to item #6 and stated his concern about paying an Administrative Analyst. He referred to item #13 and stated the permits should not be extended.

Mayor Hellman closed the meeting to public comments.

Councilmember Coler thanked Jack Judkins for his 12 years of service on the Open Space Committee.

Councilmember Goddard referred to item #8 and encouraged residents to run for election.

M/S, Cutrano/Ackerman, Motion to approve the Consent Calendar with the removal of item #18 for discussion and placing it in front of agenda item #23, and the corrections to the June 1<sup>st</sup> minutes.

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

At 7:22 the Council took a 10-minute recess due to a power outage.

At 7:35 pm the Council reconvened.

M/S, Coler/Cutrano, Motion to continue and adjourn the meeting due to the power outage, to Tuesday, July 12, 2022 at 6:30 pm on Zoom.

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

**DRAFT**

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  
Chase 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  
Chase 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 7<sup>th</sup> 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.

DRAFT

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  
Chase 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

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 Geitheim 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 Geithem 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 Geithem 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 31<sup>st</sup>.

### 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.