

DRAFT  
Fairfax Town Council Minutes  
Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
**Tuesday, October 11, 2022**

Mayor Hellman called the Closed Session meeting to order at 5:30 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

There was no public comment.

Adjourn to Closed Session on the following matter:  
Conference with Legal Counsel- Anticipated Litigation  
Government Code Section 54956.9(d)(2) & (e)(1)  
One Case

Mayor Hellman called the Special meeting to order at 6:39 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

Approval of Agenda

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

Report out on Closed Session

Mayor Hellman stated there was nothing to report.

Presentations

1. Proclamation in Honor of NOAH Marin

Mayor Hellman presented the Proclamation to NOAH Marin.

Mayor Hellman opened the meeting to public comments.

Mark Solomons thanked Assemblymember Marc Levine for his help.

Veronica Geretz thanked NOAH Marin.

Mayor Hellman closed the meeting to public comments.

### Consent Calendar

2. Adopt Resolution Approving the Memorandum of Understanding (MOU) with the Service Employees International Union (SEIU) Local 1021 for the Period of July 1, 2022 through June 30, 2024, and Amending the Fiscal Year 2022/23 Budget- Town Manager
3. Adopt Resolution Approving the Memorandum of Understanding (MOU) with the Fairfax Police Officer's Association (FPOA) for the Period of July 1, 2022 through June 30, 2024 and Amending the Fiscal Year 2022/23 Budget- Town Manager
4. Adopt Resolution Establishing Wages and Benefits for Management, Confidential, and Part-Time Employees for the Period of July 1, 2022 through June 30, 2024, and Amending the Fiscal Year 2022/23 Budget- Town Manager
5. Adopt Resolution Adopting an Annual Salary Schedule- Finance Director
6. Authorize the Mayor to send a letter of concern to MTC and CalTrans regarding Highway 37 Interim Solution and Elevated Causeway- Town Clerk
7. Approve sponsorship of temporary closure of Dominga and Napa Avenues following the Halloween Parade- Town Clerk

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

M/S, Coler/Cutrano, Motion to approve the Consent Calendar with the removal of item #6 for discussion and to include the supplement to item #4.

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

6. Authorize the Mayor to send a letter of concern to MTC and CalTrans regarding Highway 37 Interim Solution and Elevated Causeway- Town Clerk

Mayor Hellman stated she would like to continue this item to the next meeting since the Board of Supervisors made changes to their letter today.

### Regular Agenda

8. Introduce Ordinances Amending Title 5 of the Town Code Chapter 5.54, Just Cause Evictions, and Chapter 5.5, Mandatory Mediation for Rental Increases, with a Rent Stabilization Program

Town Attorney Coleson presented the staff report. She discussed some of the core issues and answered questions from the Council, noted there were a few clerical (not substantive) changes that would be made prior to the second reading. She also noted that the Town Council needed to decide on the effective date and the implementation date.

Mayor Hellman opened the meeting to public comments.

Curt Ries, San Anselmo renter and speaking on behalf of Marin Democratic Socialists of America (MDSA), supported the ordinances but requested they extend the right of return to 5 years and reinstate triple damages and exemplary damages.

Susan Adams, Tamalpais Road, supported the ordinances.

Chris, discussed the importance of right of return, and supported the ordinances.

Veronica Geretz, Fairfax renter, supported the ordinances with a 5-year right of return.

Margrit Honey, landlord in Fairfax, supported reasonable rent control, but was concerned about the right of return provision, and the right of owners to move in to their property.

Melissa Prandi, Prandi Property Management, agreed with the previous speaker, noting that costs go up too quickly for landlords. She supported keeping rents fair to all.

Michael Mackintosh stated the real issue was lack of affordable housing. He was concerned the ordinance would result in the loss of small independent landlords.

Wendy, supported the ordinances.

Mark Bell was concerned about the ten-year right of return.

Pam Meigs, Fairfax, agreed with the comments made by Mr. Mackintosh, and added that repair costs are increasing.

Roy Wolford opposed the ordinances.

Meagan Mattock, MDSA, supported the ordinances. Uncontrolled rental increases cause people to lose their homes.

PJ Feffer supported the ordinances with the treble damages and increase to right of return.

Mallory Geitheim stated she understood both sides, but 5 years was too long.

Leah Simon-Weisberg, supported the ordinances and noted that landlords have the right to file a petition if they cannot cover their costs.

Naomi Alessandra, Fairfax, agreed with the previous speaker and supported the ordinances with loopholes closed.

Wendolyn Bird, renter, supported the ordinances.

Lucie Hollingsworth, Legal Aid of Marin, referenced the letter she sent the Council, and stated her organization would mobilize to educate people. She supported the ordinances with the loopholes closed.

Jack Buckhorn, North Bay Labor Council, agreed with the previous speaker and supported the ordinances.

Sunanda Markus, Fairfax, homeowner, supported the ordinances with 5 year right of return. and Joe McGarry supported the ordinances.

Mayor Hellman closed the meeting to public comments.

The Council reached consensus on amending the two ordinances prior to introducing them.

Town Attorney Coleson summarized the amendments to the two ordinances as discussed by the Council. There are several places (three) where treble damages will be included. The section on units withdrawn from the rental market will go back to the way it was in the September 21<sup>st</sup> version of the ordinance. That will require internal cross references and sequential numbering and lettering. Clerical errors will be fixed. There will be no mention of a separate rent board at all; all of those provisions have been removed. The ordinances will have an effective date 30 days from the date of the second reading (adoption). They will each also include before the very end an implementation date that says "The provisions of this chapter [both 5.54 and 5.55] shall not be implemented by the Town of Fairfax until such time as sufficient agreements including but not limited to for staffing, hearing, software, and outreach assistance have been approved by the Town Council. Upon approval of said support agreements the Town Council will set an implementation date by resolution." This resolution will also need to set the fees to be charged.

M/S, Cutrano/Hellman, Motion to Waive First Reading and Introduce by Title Only an Ordinance Amending Title 5 of the Town Code Chapter 5.54, Just Cause Evictions as amended by the Town Attorney.

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

M/S, Cutrano/Hellman, Motion to Waive First Reading and Introduce by Title Only an Ordinance Amending Title 5 of the Town Code, Chapter 5.55, Mandatory Mediation for Rental Increases as modified by the Town Attorney.

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

The Council took a 12-minute break at 8:50 p.m.

9. Continued from the October 6, 2022 Council Meeting (formerly item #18): Discuss Green Building Model Reach Code and provide direction to staff.

Climate Coordinator Youra presented a staff report and a PowerPoint presentation. He answered questions from the Council regarding a non-electrified remodel that triggers the substantial renovation provision; full electrification triggered by the substantial remodel; possible incentives; the differences between Tier 1 and Tier 2; if Cal Green Tier 2 would require additional studies; EV infrastructures for multi-family units; if the Fairfax Ordinance is more aggressive than the County's or Cal Green's; hardship exemptions; historic structures; ways to mitigate costs to property owners including rebates; sources of rebate funding; additional costs; Light Blue vs. Dark Blue; the flexible compliance pathway.

Mayor Hellman reopened the meeting to public comments.

Zoe Pearl, Fairfax, supported the flexible compliance pathway.

Mark Bell stated the limits for what constitutes a major renovation were draconian. These new regulations could cause significant expenses to a property owner.

Michael Mackintosh stated these are lofty goals and some should be implemented especially on new construction.

Rick Hamer was concerned about the definition of substantial remodel being 50% of square footage as opposed to 50% of value. He supported Green Building measures.

Mallory Geitheim and Zach Cordisco agreed with the previous speakers.

Mayor Hellman closed the meeting to public comments.

Councilmember Ackerman stated all-electric appliances would have a bigger effect.

Vice Mayor Cutrano supported expanding the all-electric ordinance to cover substantial remodels on the condition that there would be incentive programs.

Mayor Hellman stated she supported a rebate program.

Councilmember Goddard liked the rebate program idea and asked that volunteers sit down and work with people on how to apply. She supported all-electric for substantial remodels as long as they get people the help they need.

Councilmember Coler agreed with the staff recommendations.

Climate Coordinator Youra stated it seemed the majority of the Council supports the Climate Action Committee (CAC) recommendations and a rebate program.

10. Continued from the October 6, 2022 Council meeting (formerly item #17): Discuss allowing amplified music in parklets and provide direction to staff

Town Manager Abrams presented a staff report and a PowerPoint presentation.

Mayor Hellman opened the meeting to public comments.

Mark Bell, representing Save Dominga Avenue, opposed allowing amplified music in parklets and discussed the General Plan Noise Element.

Michael Mackintosh agreed with the previous speaker.

Rick Hamer supported the proposal.

Mallory Geitheim opposed the amplified music in parklets.

Mayor Hellman closed the meeting to public comments.

Councilmember Goddard suggested the following language: "To allow a solo or duo lightly amplified acoustic instruments and vocals" and suggested a pilot program.

Staff was directed to conduct a pilot program for three months, with the hours to be 9:00 a.m. to 8:00 p.m. all days of the week. Instruments should be contained within the parklet.

Town Manager Abrams stated staff understood the direction.

The meeting was adjourned at 11:10 p.m.

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Fairfax Town Council Minutes  
Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
**Thursday, October 13, 2022**

Call to Order/Roll Call:

Mayor Hellman called the Special Meeting to order at 5:00 p.m.

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Barbara Coler (via teleconference)  
Chance Cutrano  
Renee Goddard  
Stephanie Hellman (via teleconference)

**STAFF MEMBERS PRESENT:** Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney

Approval of Agenda

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

Regular Agenda

1. Adopt a Resolution authorizing the Town Manage to execute an agreement with Dyett & Bhatia Urban and Regional Planners to complete the Town's Sixth Cycle Housing Element and General Plan Update Project

Planning Director Woltering presented the staff report. He noted the Sixth Cycle, which runs from 2023 through 2031, has many rigorous and exacting requirements. The Regional Housing Needs Allocation (RHNA) for Fairfax is 490 units plus a buffer of 20%. He discussed the challenges including identifying suitable sites, maintaining the timeline, and keeping current information on the Website. He discussed the Objective Design and Development Standards (ODDS) and how it relates to the Housing Element. The timeline for completing the document is January 31, 2023 with a 120 day grace period. He answered questions from the Council regarding the invoices that have yet to be approved or paid; the timeframe for EMC to provide all work products; percentage of completion of the existing Administrative Draft Housing Element, Safety Element, and ODDS; who manages Fairfax Speaks; the RHNA numbers and the purpose of the buffer; the bidding process prior to hiring EMC; management of EMC's work; the annual financial audit; new housing legislation; restarting vs. building off of the existing process; the Request for Proposal (RFP) process; the Notice of Termination process; how to better communicate information to the public.

Mr. Rajeev Bhatia, Principal with Dyett & Bhatia, discussed plans for outreach and community engagement efforts. He answered questions from the Council regarding his experience with Housing and Community Development (HCD); the status of other Sixth Cycle projects he has worked on; the support and contacts that the Town would receive from his firm.

Mayor Hellman opened the meeting to public comments.

Holly Baade, local business owner, was concerned about the cost and how it would address AB1445.

Pam Meigs, Cypress Avenue, had questions about the bidding process and cost oversight.

Rick Hamer, member of the Affordable Housing Committee, stated residents are entitled to full disclosure with respect to the relevant parties.

Frank Egger, speaking for Save Fairfax, stated the 24-hour meeting notice was not sufficient to read a 48-page staff report. He was concerned about the cost of the past and future work.

Mark Bell was concerned about the cost and the process.

Kathy Flores agreed with the prior comments. She was concerned about the cost and oversight.

Mallory Geithheim, Willow Avenue, was concerned there was a lack of public notice.

Richard Applebaum, Woodland Avenue, stated there is a disconnect leading to distortion. He recommended the Council find a better way to communicate to its residents.

Alice McCracken, local worker, was interested in why the Town was replacing the former consultant.

Deborah Benson, Cascade Drive, was concerned about the process.

Mayor Hellman closed the meeting to public comments.

The Council asked staff for clarification on several points raised by the public.

At approximately 6:20 Councilmember Coler left the meeting.

M/S, Ackerman/Goddard, Motion to Adopt a Resolution authorizing the Town Manager to execute an agreement with Dyett & Bhatia Urban and Regional Planners to complete the Town's Sixth Cycle Housing Element and General Plan Update Project

AYES: Ackerman, Cutrano, Goddard, Mayor Hellman

ABSENT: Coler

The meeting was adjourned 7:02 pm.