

Fairfax Town Council Minutes
Regular Meeting
and Fairfax Finance Authority Special Meeting
via teleconference
Wednesday, **August 5, 2020**

Mayor Goddard called the Regular meeting to order at 7:00 p.m. via teleconference due to the Coronavirus (Covid-19).

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman, Vice Mayor
Barbara Coler
Renee Goddard, Mayor
Stephanie Hellman
John Reed

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director
Chris Morin, Chief of Police
Rico Tabaranza, Police Lieutenant

Mayor Goddard opened the meeting in honor of Senator John Lewis, who passed away last month.

Approval of Agenda and Affidavit of Posting

Town Manager Toy recommended the continuation of the Fairfax Financing Authority Special Meeting (Item #14) and continuation of Regular Agenda Item #15 to a Special Meeting to be held on August 19th.

Mayor Goddard asked for a roll call vote of the Fairfax Finance Authority.

M/S, Coler/Reed, Motion to remove and continue the Fairfax Financing Authority Special Meeting (#14) to a Special Meeting to be held on August 19th starting at 6:00 p.m.
AYES: Boardmembers Ackerman, Coler, Hellman, Reed, and Chair Goddard

M/S, Reed/Hellman, Motion to approve the affidavit of posting and the agenda with the continuation of Regular Agenda Item #15 to the Special Meeting to be held on August 19th at 6:00 p.m.
AYES: Councilmembers Ackerman, Coler, Hellman, Reed, Mayor Goddard

Announcements

Mayor Goddard made the announcements as they appeared on the agenda.

Open Time

J. R. stated the graffiti downtown should be removed and suggested they use the art space in

the Parkade instead.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave the Council an update on Commission activities. The Age-Friendly Task Force was planning a forum on "Staying Safe in the World of Scams".

Tunafish Salin stated current events left plenty of room for misunderstandings and we should not react. He asked people to wave rather than honk in support of the protesters.

Ms. Naomi Schultz discussed equity through an aging lens. She disagreed with the comments about downtown graffiti and supported "chalk art".

Ms. Pam Meigs commended local volunteers and expressed gratitude for the mask donations.

Ms. Jessica Green suggested putting an artist in charge of the Parkade art area.

Ms. Julia Ledyard asked the Council to adopt a resolution in support of the residents of Golden Gate Village.

Mr. Richard Applebaum agreed with the comments made by Ms. Schultz. He stated it is not graffiti; it is a form of protest.

Ms. Deborah Benson, Cascade Drive, asked about the status of the Cascade Drive Striping Project.

Mr. Elias Karkabi stated the downtown chalk art is a form of protest and not graffiti.

Elizabeth P. asked the Council to install the speed radar sign at the intersection of Sir Francis Drake Boulevard and Willow Avenue.

Mr. Michael Ghiringhelli opposed defunding the Police Department and stated the issue should be put to a vote since the funding had been voted for at the last election.

Mr. Mark Bell was concerned about the firm preparing the EIR for the Marinda Heights Project.

Mr. Michael Mackintosh opposed defunding the Police Department, noting it would be redirecting funds that the citizens voted for.

An individual representing West Asians for BIPOC Safety in Marin supported defunding the police based on personal experience with the police in his childhood.

Ms. Ling Shien Bell opposed honking car horns over an extended period. She thought there should be fewer sirens.

Presentation: Community-Friendly Evacuation Maps- Firesafe Marin

Councilmember Coler presented a brief report.

Mr. Todd Lando, representing Firesafe Marin, discussed this collaborative effort and displayed the new maps, which are available on Firesafe Marin website. He discussed the nine zones in Fairfax, the primary and secondary evacuation routes, temporary refuge areas, evacuation safety tips, recommended radio stations for information. He stated the maps would be mailed to residents.

Consent Calendar

1. Accept Financial Statements and Disbursement Report June 2020- Finance Director
2. Approve minutes for the May 6 and June 3, 2020 Town Council meetings- Town Clerk
3. Receive written report on Councilmember's assignments, committees, and activities in July- Town Clerk
4. Adopt a Resolution Setting the Living Wage pursuant to the annual review requirements of Section 8.56.020 of the Town Code- Town Clerk
5. Approve response to Marin Civil Grand Jury Report entitled *Cyberattacks: A Growing Threat to Marin Government*- Town Manager
6. Receive 2019-2020 Marin Civil Grand Jury Report: *A One-Year Review of the Issues Covered by the 2018-2019 Marin County Civil Grand Jury Reports*- Town Clerk
7. Authorize the Town Manager to prepare and submit the Fiscal Year 2020-21 work plan to Marin County for the use of the Town's Measure A park fund- Town Manager
8. Receive Fiscal Year 2018-19 Audit Report- Finance Director
9. Amend membership of Measure F (Special Municipal Tax) Oversight Committee to add two citizen members- Town Manager

Councilmember Hellman asked to pull item #9 for discussion.

Joe McGarry asked a question about process.

M/S, Hellman/Coler, Motion to approve the Consent Calendar with the removal of item #9 for discussion. It will be placed on the agenda prior to item #12.

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

Public Hearings

10. 80 Crest Road: Appeal of a Planning Commission denial of a Height Variance for an unpermitted ground flood 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 Marlene Sorgen; appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)- Principal Planner
This item has been continued to the September 2, 2020 meeting

Mayor Goddard stated this item was continued to the September 2, 2020 meeting.

Regular Agenda

11. Receive summary of Council actions to form the Racial Equity and Social Justice (RESJ) and provide additional policy direction on any outstanding issues such as number and composition of members- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council about the interview process.

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum supported the idea of a mission statement and work plan to be developed using general criteria. He opposed the idea of a member of the Police Department participating in the committee that looks at police issues.

Ms. Naomi Schultz, representing Rethink Fairfax Police, was concerned about classism in the committee application. She suggested a stipend for committee members. She opposed Police presence at committee meetings and the inclusion of overtly pro-Police members.

Ms. Jess Lerner agreed with Ms. Schultz about the classist nature Committee application. She suggested the application include questions more relevant to the committee, such as social justice work, facilitation and organizational work.

Ms. Veronica Geretz thanked the Council for the formation of the committee and for prioritizing racial equity. She agreed with the comments on the application.

Mr. Ryland Morgan agreed with the comments on the application. He opposed a Police presence on the committee.

Mr. Elias Karkabi stated opposed a Police presence on the committee. He stated the criteria for the selection of committee members should be clear and public. Public support should not be a part of the selection process.

Mr. Chance Cutrano stated supported formation of the Committee. He agreed with the comments on the application.

Mr. Andy Peri supported the formation of the committee. He stated the movement to “defund” the Police is not about elimination but rather about re-allocation of funds.

Mr. Joe McGarry stated there was a need for translation and interpretation with respect to the RESJ.

Mr. Brian Poindexter opposed a Police presence or representation on the RESJ.

Cathleen agreed with the comments on the application and was concerned that the application could become a matter of public record. The committee should develop the Mission Statement.

Mr. Michael Ghiringhelli stated that people do not need to belong to a committee to make a difference.

Seeing no further comments, Mayor Goddard closed the meeting to public comments.

Mayor Goddard brought it back to the Council for discussion on the number of members to the committee, the composition of the committee, how to deal with the mission and purpose of the committee, the interview process, and regular vs. special meetings.

Town Manager Toy discussed the interview process and noted the appointments would be scheduled for the September 2nd Council meeting.

M/S, Coler/Hellman, Motion to hold a Special Meeting for the interviews on August 12, starting at 5:00 p.m., with 10-minute slots per applicant, and a 5-minute break each hour. Appointments will be made at the September 2nd Regular Council meeting. There will be: 1) Eleven committee members; 2) Regular meetings with Special meetings as necessary; 3) The committee would develop its Mission Statement; 4) The composition will include as much diversity as possible and be predominantly BIPOC members; 5) Questions will be released to the applicants prior to the August 12th meeting and a translator will be available if needed; 6) The Councilmembers will be voting members; 7) A subcommittee will be formed as a part of the RESJ to address policy issues exploring police practices and policies.

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

M/S, Coler/Reed, Motion to move item #9 and hear it after item #12.

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

The Council took a 5-minute break at 10:25 p.m.

12. Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2020 through June 30, 2021, and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith Town Manager, Finance Director

Town Manager Toy presented the staff report and gave a PowerPoint presentation.

Finance Director Vivrette briefly discussed how comparing percentages of where expenses are allocated in other towns is not useful, as it varies depending on level of services provided.

In answer to Councilmember Hellman's questions, Town Manager Toy stated about 10.2% of the Police Department budget is funded through Measure F, and the \$95,000 funding from the State for COVID would likely could show up at the last minute, and be reflected in the mid-year as a reimbursement.

Councilmember Hellman referred to the proposed revisions to the Police Budget and noted they were not defunding the Police.

Councilmember Ackerman stated the funding for the Pavilion project from Marin Clean Energy (MCE) was complicated and not guaranteed.

Councilmember Coler confirmed the how the reduction in the police budget worked.

Mayor Goddard had a question about the Planning Department's Accomplishments with respect to the number of Accessory Dwelling Units permitted.

Mayor Goddard opened the meeting to public comments.

Mr. Joe McGarry stated he supported adding two citizen members to the Measure F Oversight Committee, and the budget should not be passed without this oversight.

Mr. Ryland Morgan appreciated the funding for the RESJ, and requested further reductions in Police spending.

Ms. Naomi Schultz appreciated the funding for the RESJ, and supported an emphasis on public safety alternatives.

Ms. Veronica Geretz appreciated the funding of the RESJ, and supported an emphasis on public safety alternatives.

Ms. Jackie Bloom, representing Rethink Police, appreciated the funding for the RESJ, and supported an emphasis on public safety alternatives.

Ms. Deborah Benson supported the movement to change abhorrent police practices, but she fully supported the Fairfax Police Department as exemplary.

Mr. Michael Ghirengelli stated in his experience the Fairfax Police do a pretty good job with a mental health issues.

Mr. Richard Applebaum stated the conversation was about trying new ways of thinking.

Mr. Brian Poindexter stated the allocations of Measure F are not equitable.

Ms. Mimi Newton stated she was speaking as a resident of Fairfax. She agreed with much of what was said by Ms. Benson. She noted that comparing the Fairfax Police Department Budget with other jurisdictions didn't make sense as others share services. She supported a focus on mental health and substance abuse issues, homelessness, and affordable housing.

Mr. Elias Karkabi stated the Measure F Oversight Committee should meet before the budget is adopted.

Mr. Chance Cutraon recognized the uncertainty of the current economy and supported a mid-year budget review.

Mayor Goddard closed the meeting to public comments.

Councilmember Ackerman asked staff if Measure F was funding the difference between Fairfax maintaining an independent department vs. sharing services. Town Manager Toy stated it pays for 24/7 staffing of Police and Fire. He was not sure it specifically funded the gap.

Councilmember Ackerman stated they needed to pass the budget to allow the Town to continue to operate. He did not want to arbitrarily cut department budgets.

Councilmember Coler stated Measure F is a Special Purpose Tax that required more than a 2/3rd vote to pass. The campaign had made it clear that the tax would help fund Public Safety-Police and Fire.

Councilmember Reed agreed it was important to pass the budget now and do a mid-year review in the few months.

Mayor Goddard thanked staff for their accomplishments and meeting department goals. She was not in favor of taking money from a department without doing the homework and the necessary public participation.

M/S, Reed/Ackerman, Motion to Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2020 through June 30, 2021 and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith.

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

M/S, Coler/Reed, Motion to waive the 11:30 p.m. rule and hear items #9, #13, and #16.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

9. Amend membership of Measure F (Special Municipal Tax) Oversight Committee to add two citizen members- Town Manager

Town Manager Toy presented the staff report.

Mayor Goddard asked if the duties of the committee were codified and could be discussed by the Council. Town Manager Toy stated the ballot measure language was codified and specifies the committee will “monitor the use of the Special Tax Revenues”. Town Attorney Coleson stated it needs to stay in keeping with the ballot language.

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum stated they could decide what is meant by “monitoring” these funds.

Mr. Joe McGarry asked about the interpretation of some of the ballot language.

Mr Chance Cutrano agreed with the comments made by Mr. McGarry. He supported the addition of two members.

Mr. Elias Karkabi stated it was important to have more members of the public on this committee. He supported the addition of two members and a broad interpretation of the ballot language.

Mayor Goddard closed the meeting to public comments.

M/S, Reed/Hellman, Motion to amend the membership of Measure F (Special Municipal Tax) Oversight Committee to add two citizen members.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

13. 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 2020/2021- Finance Director

Finance Director Vivrette presented a staff report. He answered questions from the Council.

Mayor Goddard opened the meeting to public comments.

Ms. Deborah Benson referred to the last agenda item and stated she was in favor of public input in government. She stated the “branding” for the ballot measure was to support police and fire.

Mayor Goddard closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to 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 2020/2021.
AYES: Ackerman, Coler, Hellman, Reed, Mayor Goddard

Recess

Fairfax Financing Authority Special Meeting

14. Annual Confirmation of the officers of the Fairfax Financing Authority (FFA) as required by the By-Laws and adopt a resolution establishing a regular FFA meeting on August 19, 2020- Executive Director (Town Manager)

Mayor Goddard stated this item was continued.

Reconvene as the Town Council

15. Adopt a resolution authorizing the commencement of proceedings in connection with the issuance and sale of lease revenue bonds of the Fairfax Financing Authority to finance and refinance Town pension obligations to the California Public Employees' Retirement System (CalPERS) in an approximate amount of \$9,600,000, retaining an underwriter/ placement agent, bond counsel, and disclosure counsel and directing certain actions- Town Manager, Finance Director

Mayor Goddard stated this item was continued.

16. Receive report on the Town's Business Recovery Programs and consider/discuss the establishment and funding for a residential rental assistance program- Town Manager

Town Manager Toy presented a staff report. The Town made twenty grants totaling \$20,000, with five more in the pipeline to be reviewed. He asked the Council to discuss how to allocate the remaining \$23,000.

Councilmember Coler discussed the program being run by the County of Marin and Marin Community Foundation with respect to income qualifications, coordination with non-profits, etc. Ritter House and St. Vincent's are non-profits who would be willing to run Fairfax's rental assistance program. She liked the County program and the idea of working with both non-profits. They would make sure the renter met the qualifications and would pay the rent directly to the landlord.

Mayor Goddard opened the meeting to public comments.

Mr. Richard Applebaum did not support the idea of going through a non-profit.

Mr. Chance Cutrano supported the residential rental assistance program.

Ms. Mallory Geitheim was concerned that this item was at the end of the agenda.

Mayor Goddard closed the meeting to public comments.

Mayor Goddard asked the Council for a show of hands in support of a residential rental assistance program. All hands were raised.

Councilmember Coler suggested adding \$23,000 to the fund for a total of \$60,000.

Councilmember Ackerman stated that was a good idea and he supported the idea of working with a non-profit organization.

Councilmember Hellman questioned the use of a "third party" which could cause some renters uneasiness. She suggested offering grants in smaller increments.

Councilmember Reed supported Councilmember Coler's suggested approach. He asked if there was no longer a need in the business community. Mayor Goddard stated the application period was extended twice and no more applications were submitted.

Mayor Goddard stated using Councilmember Coler's suggested approach would allow them to move forward more quickly.

It was the consensus of the Council to increase the amount to \$60,000.

Town Manager Toy stated the Council could discuss the details at the August 19th Special meeting.

Council Reports and Comments

Mayor Goddard stated written reports were included in the packets.

Town Manager's Report

There was no report.

M/S, Reed/Hellman, Motion to adjourn the meeting at 1:35 a.m. in memory of Congressman John Lewis, Mr. Joseph Odom, and Mr. Huey Johnson.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary