

Fairfax Town Council Minutes  
Regular Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
Wednesday, **February 7, 2024**

Mayor Coler called the regular meeting to order at 6:30 p.m.

Pledge of Allegiance: Mayor Coler led in the Pledge of Allegiance.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Bruce Ackerman  
Lisel Blash, Vice Mayor  
Barbara Coler, Mayor  
Chance Cutrano  
Stephanie Hellman

**STAFF MEMBERS PRESENT:**

Heather Abrams, Town Manager  
Christine Foster, Deputy Town Clerk  
Janet Coleson, Town Attorney  
Jeff Beiswenger, Planning Director  
Loren Umbertis, Public Works Director

Approval of Agenda

Town Attorney Janet Coleson explained the need to continue Item 4 to February 29<sup>th</sup> at 6:30 p.m. Staff will re-notice the item and contact the applicant.

M/S, Cutrano/Blash, Motion to continue Item 4 to February 29, 2024, at 6:30 p.m.  
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

M/S, Hellman/Cutrano, Motion to approve the agenda.  
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

Mayor Coler read the Land Acknowledgement Statement and delivered a brief statement regarding the Town's position and protocols on hate speech.

Open Time

Mark Bell voiced opposition to the rule for 2-minute speaker time.

Rick Hamer asked the Council to reschedule Item 4 from the December 26, 2023, agenda.

Todd Greenberg voiced opposition to Consent Calendar rules.

Michael Sexton refrained from making comments on political advocacy and asked the Council for free speech.

Liz Froneberger commented on risks of ridgetop soils, slides, and development.

Kristin Amlie, representative on Marin County Commission on Aging, announced that a presentation will be given at their meeting on February 12<sup>th</sup> regarding the 2023 Marin County Older Adults Needs Assessment, and a mini-Senior Fair will occur at the Fairfax Library on April 13<sup>th</sup> from 11:30 to 1:00 p.m.

A series of on-line speakers were cut off due to non-jurisdiction of subject matter comments and their disruption of orderly conduct of the meeting.

Regular Agenda:

1. Consideration of a Donation of \$25,000 to the Fairfax-Anselmo Children's Center (FSACC) Solely for The Purpose of Purchasing the Property At 199 Porteous Avenue, Fairfax, From the Ross Valley School District So They May Continue to Operate the FSACC at the Location, and Adopt Resolution Making Findings as Appropriate – *Mayor Coler*

Recusal: Councilmember Hellman recused herself from participating in the matter and read a statement into the record regarding her conflicts of interest involving her contract work with the FSACC, and she left the meeting room.

Mayor Coler gave the Councilmember Memorandum. She introduced Heidi Tomsky, Director of the Fairfax-San Anselmo Children's Center and Erik Schweningen, Program Director at Fairfax-San Anselmo Children's Center to answer questions.

Mayor Coler, Town Attorney Coleson, and FSACC representatives responded to Council questions regarding the accuracy of the FSACC acronym in the resolution, the value of the Children's Center, the County's pursuit of funding for other sites for the FSACC, facilities covered for public school instruction under the Field Act implementation, contingencies for acquisition, execution of an agreement, and the reversionary clause.

Heidi Tomsky, Director of the Fairfax-San Anselmo Children's Center, spoke about commitments for acquisition totaling \$2 million and spoke of potential federal dollars available for renovations.

Erik Schweningen, Program Director at Fairfax-San Anselmo Children's Center, spoke about local businesses working on inspections and phasing of needs, the overall process, confirmed they do not fall under the Field Act, described work to be done under the first and second phases, and confirmed their hope of being able to present an offer which can be accepted.

Mayor Coler opened the meeting to public comments.

Larry Bragman, FSACC Board of Directors, spoke about public safety aspects in Phase 1 of the planned renovations, confirmed that the center has been receiving federal and state funds for decades, and this non-profit is providing important public benefits for the Town.

Todd Greenberg said \$25,000 is the entire budget for seniors in the Recreation budget and voiced concerns.

Michael Mackintosh voiced support of the Children's Center and said this subject matter is in the jurisdiction of the Ross Valley School District.

Town Attorney Janet Coleson clarified this item is how to spend Fairfax funds.

Frank Egger commented that the site is restrictive as zoned Open Area, questioned the appraisal amount, and asked if this will be a transfer of government funds between the Town and the School District.

Liz Froneberger voiced support of the \$25,000 donation.

Mark Bell opposed the Town giving \$25,000 to a private enterprise when it could spend money on roads.

Jim Cosgrove questioned the costs of any encapsulated asbestos that might be found, then questioned the reversionary clause, and asked if Woodacre or Lagunitas could provide funds.

The Council took a break at 7:48 p.m. and, thereafter, reconvened at 7:55 p.m.

Mayor Coler asked Zoom speakers to stay within the subject matter jurisdiction and do not disrupt the orderly conduct of the meeting after she had to cut off several on-line speakers.

Kay voiced support of the donation and thinks this is the best thing proposed by the Town Council.

P.J. Feffer described similar donations by the Town, recommended the valuation be redone, and voiced support of the donation for low-cost childcare.

Kevin Curtis voiced support and asked that the Council condition the funds to securing the public throughfare across the property and to attach the front parcel to anything that happens with the back and primary parcel.

Lisa cited unique benefits of the center, thinks the appraisal did not account for the reversionary clause, ADA upgrades, or hazardous materials, and encouraged the Council to host a public workshop.

Julia, FSCC parent and President of the Board of Directors, spoke about the many professionals that inspected the property, said all upgrades are voluntary, and confirmed they have secured fire insurance.

Mayor Coler again asked Zoom speakers to stay within the subject matter jurisdiction and do not disrupt the orderly conduct of the meeting. She then had to cut off the remaining on-line speakers.

Mayor Coler closed the meeting to public comments.

Mayor Coler and Town Attorney Janet Coleson responded to comments, clarified questions from the public, confirmed with Heidi Tomsky that the acronym is FSACC, and that the center can obtain insurance.

Erik Schwening clarified there has always been an easement through the property and noted discussions are also occurring with the San Anselmo Town Council.

Councilmembers provided deliberative comments regarding support of the donation, language in an agreement on how the funds would transfer in the sale process, benefits of the Town's donation, collaboration, and correction of the acronym in the resolution.

M/S, Cutrano/Ackerman, Motion to adopt Resolution and make findings that the donation of \$25,000 to the Fairfax-Anselmo Children's Center (FSACC) solely for the purpose of purchasing property at 199 Porteous Avenue, Fairfax, from the Ross Valley School District so they may continue to operate the FSACC at the location is appropriate; and to authorize the Town Manager to enter into an agreement with the FSACC to transfer funds if and when an agreement is entered into between Ross Valley School District and the Center so FSACC may complete the purchase, and to authorize Mayor Coler to send a letter to the Ross Valley School District transmitting the Resolution as approved, and with the amendments to the resolution relating to the acronym for the Children's Center.

AYES: Ackerman, Cutrano, Vice Mayor Blash, Mayor Coler

RECUSED: Hellman

The Council took a break at 8:24 p.m. and, thereafter, reconvened at 8:30 p.m.

Councilmember Hellman returned to the dais to participate in the remainder of the meeting.

2. Adopt a Resolution Rescinding Resolution No. 09-24 and Implement Updated Town-Wide Records Retention Schedule – *Deputy Town Clerk, Christine Foster*

Christine Foster, Deputy Town Clerk, gave the staff report.

Mayor Coler commented that there is a supplement to the schedule and that staff worked with Gladwell Governmental Services in the Town-Wide Records Retention Schedule.

Mayor Coler opened the meeting to public comments. She again reminded speakers to stay within the subject matter jurisdiction and do not disrupt the orderly conduct of the meeting.

Todd Greenberg commented that records have not been digitized and read best practices on records management guidelines.

A speaker referred to page 48 of the schedule, confirmed the Planning Commission minutes are contained in the supplement, and asked that video and audio retention and minutes be made permanent for the Planning Commission and Town Council.

Liz Froneberger echoed previous speaker comments to retain permanent minutes and video recordings.

A speaker voiced support for keeping all records permanently and digitizing them.

Frank Egger urged the Town to permanently maintain all litigations and land use decisions.

Kristy Dowman recommended using voice-to-text for minutes so there is no subjectivity, and to digitize and preserve the Town's history.

Ru Malhotra asked if it is possible to have records digitized.

Mayor Coler reminded Zoom speakers to stay within the subject matter jurisdiction and do not disrupt the orderly conduct of the meeting.

Mallory Geitheim voiced support for retaining the history of the Town.

Mayor Coler closed the meeting to public comments after having to cut off speakers participating via Zoom.

Councilmember Hellman asked about costs associated with digitization and whether U-Tube videos could be permanently retained. Ms. Foster replied staff stores the videos of Town Council, Board, and Commission meetings on U-Tube and their retention is 10 years.

In answer to Councilmember questions, Ms. Foster and Town Attorney Coleson explained and clarified that staff stores the videos of Town Council, Board, and Commission meetings on YouTube, digitizing records can be expensive and time-consuming and can return to the Council with a plan to digitize; that the schedule is a guideline but the Town does not necessarily have to destroy records once they exceed their retention; cited space considerations; noted Town-wide departments involved in the evaluation of records and their retention; that there is no fiscal impact if meetings are recorded to the Cloud through Zoom and then uploaded to YouTube; that California State Law requires retention of certain records which is identified in the schedule; that staff will bring the list of files to the Council proposed for destruction at the end of their retention; that videos are not only stored on YouTube but also on the Town's Zoom Cloud account which the Town pays for.

Mayor Coler and Councilmembers voiced support of the Records Retention Schedule and recommended retaining the videos of the Planning Commission and Town Council as permanent.

M/S, Blash/Cutrano, Motion to adopt a Resolution rescinding Resolution No. 09-24 and implement the updated Town-Wide Records Retention Schedule, including the supplements presented.  
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

3. Adopt A Resolution Authorizing the Display of Chamber of Commerce Banners on Downtown Light Posts; Authorize Use of Staff Time to Place Banners; Authorize Town Manager to Pay for Printing of Authorized Banners – *Town Manager, Heather Abrams*

Mayor Coler announced there is a supplement which includes changes to the Resolution, as well as printing glitches of the sign regulation fact sheet, both of which are available.

Town Manager Heather Abrams gave a PowerPoint presentation and commented that the Chamber of Commerce has provided a revised timeline for the banners from March 19<sup>th</sup> through April 1<sup>st</sup>, for a total of 11 days.

Mayor Coler voiced concerns with the Chamber shortening the timeframe for banners, cited the cost involved to install them by Town staff, and recommended the program go from March 19<sup>th</sup> through May 30<sup>th</sup>, have Public Works take them down, and put the pride banners up.

In response to questions of Councilmembers, Town Manager Abrams suggested the Council adopt the Resolution starting on March 19<sup>th</sup> and for staff to return with a separate resolution for the Rainbow flags because staff needs to follow the process for requests to utilize the Town's streetlamp posts to hang banners; and that the banners could be put back up during the holiday shopping period which could return to the Council.

Mayor Coler opened the meeting to public comments, reminded speakers to stay within the subject matter jurisdiction, and not to disrupt the orderly conduct of the meeting.

Jim Cosgrove thinks the banners are odd, questioned their placement, and what they represent.

Uri suggested seeing more continuity with the banner aesthetics and different font styles to be more in line with the Town's logo.

Todd Greenberg spoke about the percentage of sales tax that makes up the General Fund, voiced support of the Chamber, and questioned the accuracy in the number of banners.

Ru Malhotra suggested bringing back previous banners if they still exist.

Mark Bell referred to the Town giving restaurants parklets and questioned why the town continues to subsidize businesses now that COVID-19 is over.

Michael Sexton voiced support of the banners which bring awareness to Fairfax, asked for more banners, and suggested seeing a flag that states "Fairfax is inclusive for everybody."

Mayor Coler opened the meeting to Zoom public comments, reminded speakers to stay within the subject matter jurisdiction, and do not disrupt the orderly conduct of the meeting.

Kay read sign regulation dates into the record and voiced confusion.

Mallory Geitheim asked for a way to keep track as to whether the banners help businesses, thinks the Chamber should pay more to have advertising, and suggested an artist improve upon the 3-word banners.

Mayor Coler asked and confirmed that by approving the recommendation, the banners could be up longer than 67 days. She likened the request as a small investment which would help bring more revenue into the Town and Chamber and attract more businesses. She suggested changing one date in the Resolution to say, "Starting March 19<sup>th</sup> but ending May 30<sup>th</sup>."

Councilmember Hellman asked for more opportunity for input moving forward. Councilmembers voiced support of the Resolution.

M/S, Hellman/Cutrano, Motion to adopt a Resolution, authorizing the display of Chamber of Commerce banners on downtown light posts; authorize use of staff time to place banners; and authorize Town Manager to pay for printing of authorized banners; with the revised dates in the resolution on Attachment B of the supplement to state, "... lamp posts beginning on March 19<sup>th</sup> and ending on May 30<sup>th</sup>."

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

#### Public Hearing:

4. Directed referral of Planning Commission Resolution No. 24-01 temporarily suspending Planning Commission Resolution 22-01 for Application # 21-17 due to non-compliance with conditions of approval, plans and discretionary permits, including a Hill Area Residential Development Permit, Design Review Permit, Excavation Permit, Tree Removal Permit and Combined Side-yard Setback and Retaining Wall Height Variances for a Single-family Residence, Detached Garage/Accessory Dwelling Unit at 79 Wood Lane – *Town Attorney, Janet Coleson*

This item has been continued to February 29, 2024, at 6:30 p.m.

#### Consent Calendar

Mayor Coler asked the Clerk to change the timer to 3 minutes for Consent Calendar public comments. She confirmed no Councilmembers wished to remove an item from the Consent Calendar.

5. Receive Financial Statement and Disbursement Reports for December 2023 – *Finance Director, Michael Vivrette*
6. Receive written report on Councilmembers' assignments, committees, and activities in January 2024 – *Deputy Town Clerk Christine Foster*

7. Receive Treasurer's Report for Quarter Ending December 31, 2023 – *Town Treasurer, Janet Garvin*
8. Receive Fairfax Department of Recreation and Community Services Quarterly Financial October to December Report – *Recreation and Community Services Manager, Anne Mannes*
9. Waive Second Reading, Read by Title Only and Adopt an Ordinance Amending Title 17 (Zoning) of the Fairfax Municipal Code to Update Chapters: 17.012 (Zone Districts Established); 17.092 (CL Limited Commercial Zone); 17.096 (CH Highway Commercial Zone); and 17.100 (CC Central Commercial Zone); and adding 17.126 (Workforce Housing Overlay Zone). Adoption of this Ordinance is Consistent with the Environmental Impact Report Prepared for the Recently Adopted 2023-31 Housing Element – *Planning & Building Services Director, Jeff Beiswenger*
10. Adopt Resolution Amending the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) to Approve Revised Side Letter to 2018-2022 Fairfax Police Officers' Association Agreement for CalPERS Compliance – *Town Manager, Heather Abrams and Town Attorney, Janet Coleson*
11. Adopt Resolution Amending Annual Salary Schedule for Fiscal Year 2023-24 to Reflect Previously Approved Salary Adjustments – *Town Manager, Heather Abrams*
12. Adopt a Resolution Authorizing the Town Manager to Execute an Interagency Agreement with San Anselmo for Climate Action Coordinator Services – *Town Manager, Heather Abrams*
13. Reappoint Robert Jansen to the Planning Commission – *Deputy Town Clerk, Christine Foster*
14. Proclamation Thanking Toni DeFrancis for Her Service as the Town Council Minutes Clerk – *Mayor Coler*
15. Proclamation Celebrating Black History Month – *Mayor Coler*
16. Adopt a Resolution Authorizing the Temporary Closure of Certain Streets to Facilitate the Fairfax Little League Opening Day Parade on March 9, 2024, and Approve Sponsorship of the Parade — *Deputy Town Clerk, Christine Foster*
17. Adopt a Resolution Authorizing the Town Manager to Collaborate with Marin County on the Submittal of the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for the Bolinas Road Project – *Town Manager, Heather Abrams*

Mayor Coler opened the meeting to public comments and reminded speakers to stay within the subject matter jurisdiction, and to not disrupt the orderly conduct of the meeting.

Todd Greenberg stated Item 9 would allow dense development of 40- to 60-foot buildings, questioned how the homelessness issue would impact Item 16, said Item 17 has no mention of downtown Fairfax and Bolinas Road, and no articulated plan.

Mark Bell said the Council is still in violation regarding the Consent Calendar, said he believes there is a second position involved with Item 8, and questioned the scope of work.

Frank Egger referred to Item 9 and spoke of removal of local control, unfunded State mandates, and guessed that little affordable housing would be built.

Michael Sexton agreed with Mr. Egger's comments and asked for a clear policy on the Consent Calendar.

Jim Cosgrove cited the need for a parking demand study and thinks the Town will need good real estate attorneys to protect the safety of residents, but recognized their hands are tied.

Mallory Geitheim agreed with the need for a parking study and questioned what would be done when people cannot evacuate.

Sierra voiced frustration because things do not look good environmentally, politically, socially, and thinks building more development and adding consumption will not fix anything.

Mayor Coler closed the meeting to public comments.

Mayor Coler and Councilmembers addressed comments and clarified questions brought up by speakers relating to the Consent Calendar, the Climate Coordinator, the Bolinas Road project work, and parking demand questions.

M/S, Cutrano/Blash, motion to approve the Consent Calendar.

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

The Mayor reviewed the 10:00 p.m. rule.

M/S, Cutrano/Hellman, Motion to keep going with the agenda.

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

### Future Agenda Items

Mayor Coler stated the Town Manager is planning to discuss the vendor for the survey for the road bond measure for the March meeting. At that time, a subcommittee would be appointed to work on the survey, which she recognized Councilmember Hellman's interest.

Councilmember Cutrano asked when the pride flags return that they include the crosswalk and what it would take to work with artists in residence to re-beautify that spot for the month.

### Council Reports and Comments

Mayor Coler announced that Council Reports are included in writing in the Consent Calendar.

### Town Manager Report

Town Manager Abrams acknowledged the work of staff, Public Works crews, and Ross Valley Fire Department responding to over 30 calls over the weekend with the storm. Mayor Coler thanked the Police Department for setting up the charging stations in the hallway of Town Hall and in the Pavilion.

### Adjournment

The meeting was adjourned at 10:12 p.m. in memory of Jim Ringseis, Dirk Ooijkaas, and Philip Joseph Soldavini, Jr.