

Fairfax Town Council Minutes
Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, **May 22, 2024**

Mayor Coler called the Special Meeting to order at 4:30 p.m.

Call to Order/Roll Call:

Councilmember Cutrano will participate via teleconference from 317 K St NW, Washington, DC 2000.

COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

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

Adjourn to Closed Session on the Following Matters:

1. CONFERENCE WITH LABOR NEGOTIATORS
Govt Code Section 54957.6
Employee Organization: Fairfax Police Officers Association, Service Employees Union International ('SEIU') Local 1021; Unrepresented Employee Units
Agency Representatives: Town Manager, Town Finance Director, Town Attorney
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Govt Code section 54957
Town Attorney

Open Session: Regular Meeting — 6:30PM

Hybrid meeting at the Fairfax Women's Club and via [Zoom](#)

Report out on Closed Session:

Mayor Coler announced that no reportable action was taken in Closed Session.

Approval of Agenda

Mayor Coler announced many people were present for Item 2 and she suggested the Council move it up to be heard as Item 1.

M/S, Cutrano/Hellman, Motion to approve the agenda, as amended, to move up Item 2 to be heard as Item 1.

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

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

Mayor Coler read the Land Acknowledgement Statement and delivered a brief statement regarding the Town's position and protocols on hate speech. She asked speakers to be civil and refrain from using profanity and/or disparaging people based upon race, religion, orientation, or country of origin. She will disconnect anyone's comments that disrupt the orderly conduct of the meeting and/or absent appropriate findings are not under the Council's subject matter jurisdiction or are not germane to the topic or matter being discussed.

Regular Agenda:

2. Consideration and Approval of Memorandum of Understanding (MOU) Between the Town of Fairfax and Marin Open Space Trust (MOST) Regarding the Acquisition of the Wall Property – *Town Attorney Janet Coleson*

Town Attorney Janet Coleson provided background and an overview of the item regarding the MOU between the Town of Fairfax and the Marin Open Space Trust (MOST) regarding the potential acquisition of the Wall property.

Mayor Coler stated she and Councilmember Cutrano are on the subcommittee, and she asked if there were questions from Councilmembers.

Councilmember Cutrano commented and asked for confirmation that the MOU is not necessarily the final binding agreement, but it puts forward a plan of action where MOST would need to raise the full acquisition cost of \$2.3 million and the additional \$500,000 for maintenance and restoration in order for the MOU to lead to the next step of formal acquisition.

Town Attorney Coleson said there is no next step necessarily, other than all monies must be placed in escrow. Then, this MOU states the Town will proceed with accepting the assignment of the purchase agreement and purchase the property with the funds in escrow. So, no Town funds will be added to that, and the Town will accept the property with those funds on or before October 29, 2024.

Mayor Coler also noted the Town is receiving \$100,000 of Measure A funds towards acquisition of open space property, which would be deposited into the escrow account, which are not General Fund monies.

Councilmember Cutrano asked if there is a point in time between this meeting and the October deadline where the public or Council would receive confirmation that all monies identified within the MOU have been placed in escrow and the Town is proceeding. Town Attorney Coleson said there is no public meeting for purposes of making another decision. This is the decision and the Town Council is free to announce that at a public meeting and the only condition is that all monies be in escrow and the Town will accept the assignment and purchase the property.

Vice Mayor Blash asked and confirmed that any agreement regarding trail maintenance or maintenance is not being decided tonight.

Mayor Coler opened the meeting to public comments.

Michelle Simonsen, Forest Knolls, asked the Council to approve the MOU and spoke about her love of the property.

Jack Judkins, Vice Chair, Fairfax Open Space Committee, voiced support of the Town's acquisition of the Wall property and thanked those that worked on the matter.

Chris Cook, 301 Scenic, supported the acquisition of the Wall Property.

Myron Walters, Marinda Oaks, thanked the Town Council for its efforts in purchasing the property.

Ray Moritz, forester, fire ecologist, and the Town's arborist, spoke about the health of the Wall Property's native forest.

Bill Long, Chair of MOST, spoke about the formation and properties considered by MOST, the process of acquiring the Wall property, and prospective fundraising and grant opportunities.

John Reed encouraged the Council to enter into the MOU and cited the significant support of the Wall property.

Todd Greenberg voiced support of the purchase, voiced concerns regarding liability, insurance risks, and development.

Brenna Govins, Marinda Drive, thanked the Council and others for their work to purchase and save the Wall property.

Jane Richardson-Mack thanked the Council and others for their work to purchase and save the Wall property and that it remains as open space.

Lynn thanked everyone who has worked to keep the Wall property undeveloped for over 60 years.

Sierra Tunafish voiced support of the Wall property purchase and retention of its undisturbed natural environment.

Mimi Newton thanked everyone who has worked hard to get to this point and voiced appreciation of the work for preservation of the Wall property over the decades.

Artime Schneider, San Gabriel Drive, thanked everyone for moving this forward and working on this, said he is new to Fairfax.

Rick Hamer voiced support for the purchase and concerns about preserving it.

Mayor Coler stated the property is not in escrow. There is a purchase agreement that will end on or before October 29th and work remains to be done. She read a portion of the MOU regarding permanent protection of the property and purpose of the acquisition, which means it will not be developed, and she suggested the Town look into Mr. Hamer's comments.

Councilmembers recognized the time and energy put into the matter, described fundraising efforts, restoration of habitat and trail access, and cited this as a momentous occasion.

M/S, Cutrano/Coler, Motion to approve the Memorandum of Understanding (MOU) between the Town of Fairfax and Marin Open Space Trust (MOST) regarding the acquisition of the Wall Property

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

NOES: None

BREAK

Mayor Coler called a brief recess and, thereafter, reconvened the special meeting.

1. Conduct Public Review for Fiscal Year 2024-25 Proposed Operating and Capital Improvement Budget and provide direction to staff – *Town Manager Heather Abrams, Finance Director Michael Vivrette*

Town Manager Heather Abrams introduced the budget. The Town has a targeted reserve they are maintaining very well and are paying expenses as they go.

Finance Director Michael Vivrette gave a PowerPoint presentation and overview of the FY 2024-25 Proposed Operating and Capital Improvement Budget. The Town held a budget workshop earlier this month and the budget will be presented again next Wednesday, May 29th at which time the Final Budget will be adopted. He provided explanations on various group funds, budget line items, how funds are spent, funds relating to Measures, expenditures, debt service funds, and capital improvement funds.

Mayor Coler commented on page 75 under Property Acquisitions. The Town donated \$12,000 out of the Open Space budget and it was not Measure A money for upper Hawthorne and San Anselmo, which is not reflected at the bottom table, and she asked to make this change.

Mr. Vivrette continued and spoke about projects in the capital improvement budget, revenue sources from the General Fund, gas tax, transportation fund, Measure A park money, and ARPA monies.

Councilmember Cutrano referred to pages 16 and 17 in the budget and asked if the Town Attorney expense section has been broken down and reformatted to better identify the full picture of the Town's legal costs in the budget.

Mr. Vivrette said he was not yet able to get all information together and must coordinate with the Town Clerk on the legal bills.

Town Attorney Coleson said they can break this down into general and specialized services. One thing that remains confidential are litigation matters but it can be part of a special services heading as well as with personnel-related matters.

Mayor Coler asked that this be completed before the final budget.

Mayor Coler opened the meeting to public comments.

Todd Greenberg asked questions about detail in the Town Attorney's budget, commented on Town expenditures, the rate of the new minutes clerk, and asked for confirmation that the Town is not in debt.

Mark Bell asked about road impact fees, agreed with the previous speaker about Town Attorney budget detail, and asked about the cost for measures brought to the Town Council.

Lynn Yetter asked that the Town not spend more money on signage.

Deborah Benson asked about the stormwater section of the budget as it relates to Park Road and suggested installing curb cuts.

Mayor Coler returned to Council discussion.

Mayor Coler asked and confirmed that monies are detailed out under line items and financial statements as to what has been received for road impact fees. The funds stay in the General Fund and cover the Street Department for maintenance expenses.

Council discussion ensued regarding the Town's debt service, confirmation that the Town is not in debt unlike some cities in Marin, likened the debt to a mortgage or large debt instrument, discussed low interest rates where the Town was able to refinance its debt from 7% to 3.45%, maintain its 25% reserve, and the Town's work to refinance its pension obligations, saving over \$1 million, statistics for pothole and sidewalk repairs, and thanked staff for their work on the budget. The Council confirmed staff will make changes on page 75 under Property Acquisitions, the Open Space budget, to reflect the Town's donations of \$12,000.

Consent Calendar

1. Authorize the Town Manager to Prepare and Submit the Fiscal Year 24-25 Work Plan to Marin County for the Use of the Town's Measure A Park Funds – *Town Manager Heather Abrams*

Mayor Coler pointed to one correction to page 2 of the staff report, regarding the Advisory Committee for Measure A. There is one Fairfax Open Space member and one Fairfax Parks and Recreation representative.

Mayor Coler asked and confirmed there were no questions of staff. She then opened the meeting to public comments, and there were no speakers.

M/S, Ackerman/Blash, Motion to approve the Consent Calendar.
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler
NOES: None

Adjournment

The meeting was adjourned at 8:33 p.m. in memory of James Ross Masson Jr. and Cathy Cortez.