

Fairfax Town Council Minutes
Regular and Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, **March 6, 2024**

Mayor Coler called the Regular and Special meetings to order at 5:30 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Lisel Blash, Vice Mayor
Barbara Coler, Mayor
Chance Cutrano (arrived at 7:30 p.m.)
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

Special Meeting to Conduct Interviews and Consider Appointments at 5:30 p.m.

1. Interview and consider appointments for the Open Space Committee and Parks and Recreation Commission — *Deputy Town Clerk, Christine Foster*

Interviews for Parks and Recreation were moved to the April 3, 2024, Town Council meeting.

M/S, Ackerman/Blash, Motion to appoint John Reed to the Open Space Committee.

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

NOES: None

ABSENT: Cutrano

Regular Meeting at 6:30 p.m.

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

Mayor Coler called the Regular Meeting to order at 6:30 p.m. She announced Councilmember Cutrano would arrive at 7:30 p.m.

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

Approval of Agenda

Mayor Coler moved Item 4; 80 Crest Road Appeal, up to be heard before Item 2; Presentations.

M/S, Hellman/Blash, Motion to approve the agenda, as amended.

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

NOES: None

ABSENT: Cutrano

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

Open Time

Kendra Scott, Spruce Road, asked the Town to join cities to call for a permanent ceasefire in Palestine, and asked that nuisance complaints be addressed regarding Fairfax Lumber.

Lily Horn, Spruce Road, echoed complaints on Spruce Road regarding Fairfax Lumber.

Joe McGarry spoke about the tragedies in Palestine and Ukraine.

Allan Andrini, West Marin Little League, thanked the Councilmembers for being receptive in making the community as best as it can, and invited everyone to their parade.

Frank Egger spoke of downtown parking and asked the Town to address the vacant parklet issue.

Todd Greenberg spoke of inflation, rising costs, and asked for respect from the Council.

Mark Bell spoke about residents' ability to speak about politics and speaker time.

BREAK

Mayor Coler cleared the Council Chambers due to disruptions by public members at 6:51 p.m. and called for a brief break. She thereafter reconvened the regular meeting at 7:03 p.m. and resumed Open Time.

A speaker questioned Open Time, the ability for the public to speak, and freedom of speech.

Rick Hamer echoed comments relating to vacant parklets and their effect on streets, flooding, and erosion concerns.

Candace asked the Town to address an underground leak by the Bank of America building and ballfield in the road and spoke about her feelings of disconnect between the community and the Town.

Mayor Coler asked Candace to alert staff and request maintenance via the website regarding the leak.

Philip Salaverry echoed references to politics and asked about the staff's thought process.

Regular Agenda

4. 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, § 15301(e)(2)(1). – *Principal Planner, Linda Neal and Town Attorney, Janet Coleson*

Mayor Coler announced that discussions and potential negotiations have been held between parties which may achieve resolution. She suggested allowing these discussions to continue and recommended the Council continue the matter to April 3, 2024.

M/S, Blash/Ackerman, Motion to continue 80 Crest Road Appeal to the April 3, 2024 Council meeting.

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

Presentations

2. Receive the 2022 GHG Emissions Presentation — *Climate Action Coordinator, Sean Youra and Sustainability Coordinator Marin Climate & Energy, Christine O'Rourke*

Climate Action Coordinator, Sean Youra presented the staff report and gave a report and PowerPoint presentation on the 2022 GHG emissions inventory and progress.

Staff answered questions from the Council regarding the methodology used for EV charging as a household use versus VMT emissions relating to transportation, progress on methane from landfill waste due to better sorting.

Mayor Coler opened the meeting to public comments.

Todd Greenberg talked about PG&E rate concerns, food bans for environmental reasons, electric vehicle issues, and suggested considering hybrids.

Mark Bell questioned transportation pollution metrics, vehicles driving in town, power outages, and use of natural gas.

Michael Mackintosh referred to fire insurance cancellations and weed management practices in San Anselmo.

Candace supported eco-friendly electricity use and voiced concerns about power outages and affordability.

Frank Egger asked about EV charging stations and mentioned a rebate program.

Philip Salaverry mentioned affordability issues related to electrification.

Jody Timms expressed gratitude for climate support.

Mayor Coler closed the meeting to public comments.

Mayor Coler said the Town does not require people to replace their water heaters or vehicles with electric. The ordinance now requires all-electric for new construction.

Mayor Coler recommended moving Item 6 up on the agenda.

M/S, Ackerman/Hellman, Motion to move up Item 6 and then hear Items 3 and 5.

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

6. Receive Annual Progress Report on the General Plan and Housing Element for the Calendar Year 2023 – *Director of Planning and Building, Jeff Beiswenger*

Director of Planning and Building, Jeff Beiswenger gave the staff report and overview of the Annual Progress Report on the General Plan and Housing Element for the calendar year 2023, as well as other Elements of the General Plan.

Mayor Coler opened the meeting to public comments.

Todd Greenberg asked for the Town's history on ADU production.

Frank Egger requested the reinstatement of the Building Department's building activity reports.

Mark Bell asked about the financial commitment to the Housing Element, addressing ADUs, rent control, and eviction policies.

Kevin Curtis referred to the letter regarding Housing Element progress.

Jeff voiced concerns about ADUs, rent control, and information on the Housing Element for the public.

Mallory Geitheim referred to removal of the Affordable Housing Committee, voiced frustration.

Rick Hamer echoed the previous speakers' comments.

Phillip Salaverry spoke about rent control, its implications on returns and the costs of enforcement.

Kay stated ADU statistics and decline in ADUs over the years.

Mayor Coler closed the meeting to public comments.

Noted as Present: Councilmember Cutrano was noted as present at 7:30 p.m., and Mayor Coler updated him as to actions undertaken during his absence.

Councilmembers provided questions and comments.

Staff responded to questions from the Town Council.

M/S, Hellman/Blash, Motion to adopt the Resolution accepting Fairfax Annual Progress Report for the General Plan and Housing Element Calendar Year 2024.

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

3. Receive 2023-24 Mid-Year Budget Review Report – *Finance Director Michael Vivrette, Town Manager Heather Abrams*

Finance Director, Michael Vivrette gave the staff report and PowerPoint presentation regarding the 2023-24 Mid-Year Budget review report.

Councilmembers provided questions and comments.

Staff responded to questions from the Town Council.

Mayor Coler opened the meeting to public comments.

A speaker made comments about the UUT and asked about fund distribution and police reimbursements.

Frank Egger voiced concerns of combining revenues, asked for the breakdown for short-term rentals (TOT), and asked about a Police Department vacancy.

Todd Greenberg commented on the interpretation of the real estate market.

Mark Bell asked that business license renewal notices be sent out, that potholes be repaired, and asked for the Town's expenditure on the Housing Element and consultants.

Michael Mackintosh asked questions about the budget.

Councilmembers provided questions and comments.

Staff responded to questions from the Town Council.

Mayor Coler and Councilmembers thanked staff for providing the mid-year budget review report.

BREAK

Mayor Coler called for a break at 9:06 p.m. and thereafter, reconvened the meeting at 9:16 p.m.

7. Adopt a Resolution Authorizing the Town Manager to Enter into an Agreement with FM3 for Scientific Survey Regarding a Possible Bond Measure for Road Repairs and Authorize Town Manager to Pay for the Scientific Survey and Postcard in an amount not to exceed \$32,690 – *Town Manager, Heather Abrams*

Town Manager, Heather Abrams, presented the staff report and overview of the request of the Council to enter into an agreement with FM3 for a scientific survey regarding a possible bond measure for road repairs for an amount not to exceed \$32,690.

Lucia Del Puppo, Senior Vice President, FM3 Research, introduced herself.

Councilmembers provided questions and comments.

Staff responded to questions from the Town Council.

Mayor Coler opened the meeting to public comments.

Todd Greenberg opposed the scientific survey.

Mark Bell asked that the postcard include a website for people to take the survey in addition to the QR code and questioned the amount of the bond measure.

Mallory Geitheim opposed the scientific survey.

Other speakers made comments.

Mayor Coler and other Councilmembers responded to comments from the public.

Councilmember Hellman clarified with Ms. Del Puppo that the survey would assess and address the palatability the public has for different funding levels, priority projects, ways of using the funds, and how the community stands on each to reflect the community's interests.

Vice Mayor Blash voiced interest in serving on the subcommittee and voiced support for an added website link on the postcard.

Mayor Coler voiced support of the added website link and QR code, thanked the Town Manager for her search for a qualified firm, said \$25,000 had been an estimate, recognized there may not be any appetite for the measure but the survey will inform the Council, and asked if others wished to be involved in the subcommittee.

Councilmember Ackerman voiced support for Councilmembers Hellman and Vice Mayor Blash to serve on the subcommittee.

Councilmember Cutrano referred to the resolution which mentions the Town is ranked lowest in Marin on the PCI, and he asked if it could formally state what the actual PCI is for a baseline. He suggested revising the sentence to read, "The Town is rated, 55, lowest in Marin County on the PCI..."

All Councilmembers voiced support for a scientific survey, adding a link to the postcard, and for Councilmembers Hellman and Vice Mayor Blash to serve on the subcommittee.

M/S, Cutrano/Blash, Motion to adopt a Resolution, as amended, authorizing the Town Manager to enter into an agreement with FM3 for scientific survey regarding a possible bond measure for road repairs; and authorize Town Manager to pay for the scientific survey and postcard in an amount not to exceed \$32,690; and to establish a subcommittee consisting of Councilmember Hellman and Vice Mayor Blash.

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

Noted as Absent:

Councilmember Hellman left the meeting due to illness at 9:54 p.m.

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

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

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

NOES: None

ABSENT: Hellman

Consent Calendar

Mayor Coler announced there is a separate Consent Calendar with two items the Council will take up after this Consent Calendar from the special meeting agenda.

Mayor Coler opened the meeting to public comments.

Two speakers made comments.

7. Receive Financial Statement and Disbursement Reports for January 2024 – *Finance Director, Michael Vivrette*
8. Approve minutes for the January 10, January 24, and February 7, 2024, Town Council meetings – *Deputy Town Clerk, Christine Foster*
9. Receive written report on Councilmembers' assignments, committees, and activities in February 2024 – *Deputy Town Clerk Christine Foster*
10. Adopt a Resolution Authorizing the Town Manager to Purchase and Outfit One Police Department Vehicle (EV) for an amount not to exceed \$70,000 and Declare One Vehicle as Surplus — *Chief of Police, Rico Tabaranza*

11. Adopt a Resolution Authorizing the Town Manager to execute a contract with DC Electric for the installation of electrical infrastructure for Electric Vehicle (EV) chargers for use by Town Vehicles in the amount of \$25,743 and to authorize the Town Manager to purchase Two ChargePoint EV Chargers in the amount of \$25,726, and authorize Town Manager to accept anticipated grant reimbursement of \$19,500 — *Public Works Director, Loren Umbertis*
12. Approve Agricultural Community Event Farmers Market Right of Entry Agreement to Continue to Operate a Farmers' Market in Bolinas Park in 2024 and 2025 – *Town Manager, Heather Abrams*
13. Adopt a Resolution Authorizing the Town Manager to execute a contract with John Boylan Engineering for the Rockridge Storm Drain Improvement Project for \$40,700 and include a contingency of 10% for a project total in an amount not to exceed \$44,470 — *Loren Umbertis, Public Works Director*
14. Adopt a Resolution Authorizing the Town Manager to execute an Amendment to Professional Services Agreement with CSW/ST2 for the Rehabilitation and Improvement Project on Park Road in an amount not to exceed \$32,280 for a project total of \$62,030 — *Loren Umbertis, Public Works Director*
15. Waive second reading, read by title only and adopt an ordinance to amend Chapter 5.55 “Rent Stabilization Program,” Chapter 5.55.070 “Rent Stabilization” Subsection (D) “Collection of Rental Housing Fee” of Title 5 of the Fairfax Municipal Code. CEQA - This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to section 15061(b)(3) of the State CEQA Guidelines. — *Planning Director Jeff Beiswenger*
16. Adopt a Resolution Rescinding Resolution 24-10 and Re-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 – *Deputy Town Clerk Christine Foster*
17. Proclamation Proclaiming March 2024 as Women’s History Month — *Mayor Coler*
18. Proclamation Honoring Tamela Smith for Exceptional Service to the Town of Fairfax Age Friendly Program — *Mayor Coler*

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

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

NOES: None

ABSENT: Hellman

Special Meeting Agenda

Consent Calendar

Mayor Coler opened the meeting to public comments.

Councilmembers Cutrano asked to correct Item 2 to replace “Senator Feinstein.”

Todd Greenberg supported the letter to the CPUC and questioned Item 2.

Michael Mackintosh supported the letter to the CPUC and questioned Item 2.

1. Authorize the Mayor to Send a Letter to the California Public Utilities Commission Regarding Opposition to AT&T's Applications A23-03-003 and A23-03-002 for Targeted Relief from its Carrier of Last Resort (COLR) Obligation, and to Relinquish its Eligible Telecommunications Carrier (ETC) Designation — *Mayor, Barbara Coler*
2. Authorize the Mayor to Send a Letter to Federal Representatives Supporting the County of Marin's \$2,500,000 Congressionally Directed Spending Request for the Fairfax-San Anselmo Children's Center — *Councilmember, Chance Cutrano*

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

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

NOES: None

ABSENT: Hellman

Future Agenda Items

Mayor Coler stated she spoke with the Town Manager about having a report on stormwater work from a comprehensive perspective at a future meeting. She also asked for a comprehensive overview of the bridges work at a future meeting.

Council Reports and Comments

Mayor Coler announced that all reports and comments are in writing, with the exception of Councilmember Cutrano who confirmed he will provide his report at the next meeting for March and April.

Councilmember Ackerman thanked Phil Smith, Fairfax resident, who has been the Manager of the Marin-Sonoma Mosquito and Vector Control District and who is in his last month in the job. Councilmembers agreed he has done an amazing job for many years.

Town Manager Report

Town Manager Abrams thanked everyone for acknowledging Climate Action Coordinator, Sean Youra, and she bid him a fond farewell and thank you. He is moving to a regional agency and expanding his impact.

The joint application for a federal RAISE grant with the County of Marin for Bolinas Road has been submitted and the tour with Congressman Huffman was promising.

The Department of Public Works is working on engineering and design for the town-wide slurry sealing of various roads throughout the town which will begin once dry weather occurs in the new fiscal year.

She reminded the Council that staff will be soon scheduling its annual Council Retreat and Annual Budget process.

Adjournment

The meeting was adjourned at 10:18 p.m.