

DRAFT Fairfax Town Council Minutes  
Regular and Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
Wednesday, **April 3, 2024**

**Closed Session Meeting at 4:45 p.m.**

Fairfax Community Center

Mayor Coler called the Closed Session meeting to order at 4:45 p.m.

**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  
Janet Coleson, Town Attorney

Adjourn to Closed Session on the Following Matters:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Government Code §54954.5  
Property: APN Nos. 001-251-31, 001-150-12, 001-160-09, and 001-171-51  
Agency negotiators: Council subcommittee of Mayor Coler and Council Member Cutrano,  
Town Manager, & Town Attorney  
Property owner negotiators: Sequoia Mortgage Capital, Inc.  
Under negotiation: Both price and terms
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Govt Code Section 54956.9(d)(4)  
One case

Reconvene in Open Session

**Special Meeting to Conduct Interviews and Consider Appointments at 6:00 p.m.**

Fairfax Women's Club

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

Interviews for Parks and Recreation were moved to the May 1, 2024, Town Council meeting.

**Regular and Special Meetings at 6:30 p.m.**

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

Mayor Coler called the Regular and Special meetings to order at 6:30 p.m.

**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  
Linda Neil, Principal Planner  
Jonathan Judge, Fairfax Police Sergeant

Pledge of Allegiance — Led by Mayor Coler

Mayor Coler reported on Closed Session Item 2, stating directions were given to staff to initiate litigation.

Mayor Coler recommended hearing the two presentations and moving up Item 4 before Open Time for Public Expression.

**Approval of Agenda**

M/S, Cutrano/Ackerman, 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.

**PRESENTATIONS**

1. Proclamation Honoring and Thanking Dirk Ooijkaas for His Contributions to the Fairfax Community — *Mayor Coler*

Mayor Coler and Councilmembers presented a plaque and proclamation honoring Dirk Ooijkaas. The Council established April 3, 2024 as Dirk Ooijkaas Day and recognized him for his contributions to the Fairfax community.

Mayor Coler opened the meeting to public comments.

Speakers: Carrie Kelman, Rick Hamer, Michael Mackintosh, Andy Newell, Unnamed Speaker.

Mayor Coler closed the meeting to public comments.

2. Proclamation Thanking Sean Youra for His Work as the Town's Climate Action Coordinator — *Mayor Coler*

Mayor Coler recognized, read, and presented a proclamation to Sean Youra for his service as the Climate Action Coordinator working for the Towns of Fairfax and San Anselmo since February 14, 2022.

Sean Youra, Climate Action Coordinator, thanked the Council for the proclamation and said it has been an amazing learning experience.

Mayor Coler opened the meeting to public comments.

Speakers: Rick Hamer, and Todd Greenberg

Mayor Coler closed the meeting to public comments.

## PUBLIC HEARING

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 Neil, Planning and Building Services Director, Jeff Beiswenger, and Town Attorney, Janet Coleson

Linda Neil, Principal Planner, gave the staff report.

Mayor Coler announced there is a supplement for Item 4, which is an alternative resolution.

In answer to Councilmembers questions, Ms. Neil, and Town Attorney Coleson confirmed that the Town's ordinance limiting square footage does not apply to this home, clarified Fire Department requirements, and described the definition of a floor and loft.

Marene Sorgen, owner, spoke about her continuous residency at the house since its original construction, original and existing conditions, and details that affect deviation of a standard pre-fabricated house because of slope conditions.

Ellis F. Raskin, Partner at Hanson Bridgett, LLP, gave a PowerPoint presentation, described their position that the project complies with all variance findings, and clarified the house has not changed and asserted that plans prove this.

Councilmembers provided questions and comments to Mr. Raskin.

Mr. Raskin responded to questions from the Town Council.

Mayor Coler opened the meeting to public comments.

The following speakers voiced support for the unpermitted changes to the home and asked that they be approved:

Carna Saki, Piedmont, daughter of owners  
Elaine Johnson, Greenbrae  
Michael Mackintosh  
Deborah London  
Sierra Salin

Chris Anderson, San Anselmo  
Todd Greenberg  
Bob Castle  
Kay

Rick Hamer spoke in support of removing unpermitted changes to the lowest floor.

Mayor Coler closed the public hearing.

Town Attorney Coleson emphasized that this item is an appeal from the Planning Commission's decision and confirmed the owners can submit an application for an ADU at any time.

In response to Council questions, Principal Planner Neil clarified the Town has the original construction drawings; both Coastland Engineering and the Building Official have opined that the approved plans for the bedroom area do not indicate a stairway where there should be; there are no construction drawings for the wine cellar; the Tax Assessor draws pictures in each record of the floors, and there is no fourth area.

Principal Planner Neil confirmed that the enclosed and supported area of the foundation goes under almost all the main living spaces which includes the bedroom areas. The Town has the permits for the enclosure underneath most of the house along with the sheer walls for support, but there is nothing showing an interior stairway, the rear deck, flooring, extra electrical which are to the west under half of the living room, and part of the decking area.

She clarified there have been many negotiations and discussions in an attempt to arrive at an outcome where owners could stay in the home as is, make no changes until the property changes ownership. Also, if the Council were to choose the second option which is to delay enforcement until the house is sold, this would not prohibit the owners from applying for permits at any time.

Principal Planner Neil also clarified that the date of the latest record staff has of the Tax Assessor's visits to the property wherein three levels were drawn by the Assessor in 1978: 1) They call the bedroom level the "finished basement", 2) Floor 1; and 3) the Loft. If there had been a fourth story, it would have been drawn in and called something else. She then provided Assessor inspections, notes on improvements to a level below the basement, confirmation of total livable area, and square footage of all levels.

Town Attorney Coleson clarified that at the time of new property ownership, modifications would need to be made to legalize the bedroom level and remove the improvements to the underfloor area which would require a building permit and Fire Department requirements. The Council can alternatively come up with something different and staff can return with another resolution.

Councilmembers and staff provided concluding comments relating to Fire Department requirements, demolition, various options and triggering issues, definition of heights and stories, expansion of enclosed space and the way the Town measures it now, the interior stairway, water pressure, fire sprinklers, water pump, building permit, and road widening requirements, potential electrical safety concerns, Options A-1 and A-2, and consideration of staff's return of a resolution making variance findings.

Discussion ensued regarding possible direction to staff to return with a resolution with findings relating to the height variance, requirements to be able to make findings, and other options to consider.

M/S, Cutrano/Ackerman, Motion to adopt Option A-2, a Resolution upholding the Planning Commission's October 17, 2019 action on the project, including conditions of approval as stated in attached Resolution No. 2019-13 approving legalizing the unpermitted improvements to the bedroom level of the structure but denying the unpermitted improvements to the lowest ground floor level of the structure and delaying enforcement, including issuance of permits for the approved legalized improvements until such time as the property transfers ownership through sale, inheritance, gift, or otherwise, as amended, using the supplement.

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

NOES: Hellman

The Council took a break at 9:02 p.m. and, thereafter, reconvened at 9:11 p.m.

Mayor Coler briefly announced protocols on hate speech, disparaging comments, and disruptions made to the orderly conduct of the meeting.

### OPEN TIME

Theresa Lafranchi addressed the Council about an incident on Bolinas Road and crosswalk safety.

Mr. Lafranchi addressed the Council about the same incident as the previous speaker, traffic safety, and a crosswalk.

A speaker addressed the Council about the Town's records retention schedule and video retention practices.

Mark Bell addressed the Council about Arab American Heritage Month.

Kristin Amlie addressed the Council about the Marin Commission on Aging, relayed dates and times of the Commission and other senior-related meetings.

Suzie Bergen, Spruce Road Coalition, addressed the Council about Fairfax Lumber.

The following speakers requested the Council pass a ceasefire resolution: David Glick, Joe Maggary, Mark Bell, Nicole Arrata, Larry Bragman, Frank Egger, Eva, J.P. Hailer, Rebecca, Elias, Colleen, Sierra Salin

Mayor Coler announced the Council will continue Open Time after the Town Manager's Report at the end of the meeting.

In response to Councilmember Cutrano's request on work done to address the Lafranchi's comments, Town Manager Heather Abrams responded that the Public Works Director, the Chief of Police, and she met after receiving emails to talk about potential solutions to install permanently-lit speed signs and signs on poles to indicate pedestrians may be present.

Regarding Spruce Road, Councilmember Cutrano stated he and Councilmember Ackerman are on a subcommittee associated with the Fairfax Lumber issue and he asked staff to meet and review the request on how the Town treats nuisance issues. Lastly, he will ask his colleagues to bring forward a ceasefire resolution.

### REGULAR AGENDA

5. Discuss/consider the Residents' Petition submitted per Town Code requesting to Discuss the Homeless Encampment Located Near Contratti Ball Field – *Deputy Town Clerk, Christine Foster*

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

Jamie Williams, President of West Marin Little League, formally expressed the League's concerns and his own personal concerns regarding the close proximity of the homeless encampment to the ball field and asked the Town take action to find a solution to address negative impacts to children.

Mayor Coler opened the meeting to public comments.

Speakers: Unnamed Speaker, Alan Andreini, Todd Greenberg, Mallory Geitheim, Michael Mackintosh, Mark Bell, Kathy Shupe, Rick Hamer, Deborah London, Kathy Forest, Jo, Eva, Sierra Salin, Unnamed Speaker,

Mayor Coler closed the meeting to public comments.

Mayor Coler spoke about the MCCMC Homeless Committee, San Rafael's 70+ encampments and said courts prevent cities from developing no camping ordinances. Homeless individuals, while sometimes unsavory, are part of the community and the Town is working on problems.

Town Manager Abrams asked that people who witness a criminal act should immediately contact the police non-emergency number or 9-1-1 as appropriate. The Police Department has been patrolling the area daily and she introduced Gary Naja-Riese from Marin County Health and Human Services who can talk about the County's continuum of care work.

Gary Naja-Riese, Director for the Division of Homelessness and Coordinated Care, Marin County Health and Human Services, spoke of their role to implement and support a continuum of care with various services before and after folks have been housed, their work with grants and support, as well as partnerships with municipalities. Many resources are identified with countywide solutions and he described the vulnerability assessments, criteria to provide resources, the County's Rapid Re-housing Program, the need for more case managers, and rights of the homeless to be in public spaces when there are no alternatives for them.

Councilmembers provided questions and comments to Mr. Naja-Riese.

Mr. Naja-Riese responded to questions from the Town Council.

Councilmember Cutrano and Vice Mayor Blash agreed to meet with staff and write up a formal report for a future Consent Calendar item.

## CONSENT CALENDAR

Mayor Coler announced there is one Consent Calendar Item from the Special Session in addition to the regular Consent Calendar. She requested removal of Item 9.

Mayor Coler opened the meeting to public comments.

Speakers: Todd Greenberg, Mark Bell.

Councilmember Cutrano asked staff to emphasize the role of the Climate Action Coordinator partnership and resiliency components, recognized Public Works Director Umbertis and Connie Valentine on Pine Drive relating to road stabilization work, and addressed Mr. Bell's comments regarding Council reports and additional information.

6. Receive Financial Statement and Disbursement Reports for February 2024 – *Finance Director, Michael Vivrette*

7. Approve minutes for the February 29 and March 6, 2024, Town Council meetings – *Deputy Town Clerk, Christine Foster*
8. Receive written report on Councilmembers’ assignments, committees, and activities in March 2024 – *Deputy Town Clerk Christine Foster*
10. Adopt a Resolution Approving Updates to the Climate Action Coordinator Job Description – *Town Manager, Heather Abrams*
11. Authorize Town Manager to Execute and Pay for a Contract with Maggiora & Ghilotti for the Roadway Stabilization Project at 54 Pine Drive in an Amount Not to Exceed \$36,980, with an Additional Contingency of 10%, for a Project Total of \$40,678 – *Loren Umbertis, Public Works Director*
12. Adopt a Proclamation Proclaiming April 2024 Fair Housing Month – *Deputy Town Clerk, Christine Foster*
13. Authorize the Mayor to Send a Letter of Support to Reinstate CalHome Funding for Marin County – *Mayor, Barbara Coler*

Special Meeting Agenda

Consent Calendar

1. Authorize the Mayor to Send a Letter to the Coastal Conservancy Requesting Grant Support for the Acquisition of the Wall Property — *Mayor, Barbara Coler*

M/S, Cutrano/Hellman, Motion to approve the regular Consent Calendar items except for Item 9, and the Special Consent Calendar item 1.

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

NOES: None

**ITEM REMOVED FROM THE CONSENT CALENDAR:**

9. Adopt a Resolution Creating New Job Classifications for Building Official and Building Inspector and Amending Annual Salary Schedule for Fiscal Year 2023-24 – *Jeff Beiswenger, Planning and Building Services Director*

Mayor Coler announced there is a Supplement for the Building Official position which requires CASP (Certified Access Specialist Program) certification. She asked that the supplement state, “The Building Official would obtain the CASP certificate within one year.” She voiced concerns with the cost of having to contract with outside consultants that are CASP certified.

Town Manager Abrams cited similar experience with agencies faced with union complaints if an employee cannot satisfy the requirements within the stated timeframe and suggested language state, “The Building Official have the CASP certification or be able to obtain it within approximately one year.”

Mayor Coler opened the meeting to public comments.

Speaker: Todd Greenberg

M/S, Cutrano/Hellman, Motion to adopt a Resolution Creating New Job Classifications for Building Official and Building Inspector and Amending Annual Salary Schedule for Fiscal Year 2023-24, with the Supplement and revised wording.

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

NOES: None

### Future Agenda Items

Mayor Coler asked for an overview of Town actions relating to stormwater at the May meeting and an overview of bridges in June.

Councilmember Cutrano and Vice Mayor Blash requested a ceasefire resolution and agreed to meet as a subcommittee, draft a resolution, and to also include language relating to the release of hostages.

### Council Reports and Comments

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

### Town Manager Report

Town Manager Abrams announced the new Housing Specialist has been hired as of last week.

Mayor Coler asked for signage and for the Deputy City Clerk to research the cost of retaining videos for the Town Manager to comment on at the next meeting.

Councilmember Hellman asked the Town Manager to provide information about the survey on the pavement improvement bond measure at an upcoming meeting.

### OPEN TIME

Mayor Coler asked for speakers who were unable to speak earlier.

Todd Greenberg addressed the Council regarding cost-consciousness, reduction in ADU production, proclamations, and EVs versus hybrids.

Alan Andreini addressed the Council about hopes for addressing the homeless encampment issue.

### Adjournment

The meeting was adjourned at 11:35 p.m. in memory of Julie Isetta, Michael Sturtevant, and Ralph Mihan.