

DRAFT

Fairfax Town Council Minutes
Regular Meeting
Women's Club, 46 Park Road, Fairfax
and via Zoom
Wednesday, December 6, 2023

Mayor Cutrano called the Regular meeting to order at 6:30 p.m.

0.25 Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Lisel Blash
Barbara Coler
Chance Cutrano
Stephanie Hellman

STAFF MEMBERS PRESENT:

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

Approval of Agenda

Councilmember Hellman asked that Future Agenda Items be placed on this agenda and all upcoming agendas

Vice Mayor Coler stated staff is recommending the continuation of item #4.

M/S, Coler/Blash, Motion to approve the agenda with the change recommended by Councilmember Hellman and the continuation of item #4.

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

Land Acknowledgement

Mayor Cutrano read the land acknowledgement.

Announcement of Closed Session Action, If Any

Mayor Cutrano stated there has not been a Closed Session since the last meeting.

Regular Agenda

1. Reorganization of the Town Council: Selection of Mayor and Vice Mayor

Town Clerk Gardner presented the staff report. There were no questions from the Council.

Mayor Cutrano opened the meeting to public comments.

Sierra Salin asked for kindness and a balanced approach.

Michael Macintosh stated the Council's job is to represent the voice of the majority while protecting the voice of the minority.

Mark Bell stated residents should have more than two minutes to speak.

Candice Ricker thanked Mayor Cutrano and Vice Mayor Coler for their service.

Todd Greenberg wished the incoming Mayor the best of luck.

Lynn Yetter discussed her support for the Mayor position.

Joe McGarry thanked Mayor Cutrano for his service this year.

Mayor Cutrano closed the meeting to public comments.

M/S, Hellman/Cutrano, Motion to elect Vice Mayor Coler as Mayor.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

M/S, Ackerman/Hellman, Motion to elect Councilmember Blash as Vice Mayor.
AYES: Ackerman, Blash, Cutrano, Hellman, Mayor Coler

The Council presented outgoing Mayor Cutrano with some gifts.

Mayor Coler stated her theme for this year is- "Back to Basics" including infrastructure work.

The Council took a 10-minute break.

Open Time

Sierra Salin discussed a variety of issues including the impacts of consumerism.

Ling Shen-Bell stated sound pollution was real and has negative impacts to health.

Kendra Scott and Susie Bergen, representing the Spruce Road Coalition, discussed the noise and dust issues the neighborhood is having with Fairfax Lumber

Kathy Flores stated Fairfax roads are the worst in Marin County and asked for improvements to infrastructure.

Frank Egger, Cascades, stated he received a Cancellation Notice from his insurance carrier. He asked the Council for help residents obtain alternative insurance.

Mark Bell stated the public should get three minutes to give testimony.

Candice stated the encampment is dangerous so close to the Pavilion. The Chamber of Commerce Events have been wonderful.

Todd Greenberg stated the Chamber of Commerce WinterFest is scheduled for December 15th. He thanked Mayor Coler for her focus on "Back to Basics". He requested financial information.

Scott Mason made some comments.

Kristin Amelie, Fairfax representative to the Commission on Aging, expressed concerns regarding affordability of Accessory Dwelling Units (ADUs).

Renee Goddard, Cascade Drive, asked for more kindness.

Philip S. discussed a suggestion made by a Councilmember about the minutes. He asked that residents be allowed to speak for three minutes.

Lynn Yetter thanked Jerry Kelly, local business owner, for promoting the Town on NextDoor. She was concerned about light pollution in residential areas.

Michael Macintosh was concerned about the condition of Bolinas Road and possible subsidence.

Regular Agenda

2. Adopt a Resolution Authorizing the Town Manager to Negotiate and Execute an Agreement with Marin Sanitary Services for Street Sweeping Services for a Period of Three (3) Years in an Amount not to exceed \$451,971

Public Works Director Umbertis presented the staff report and Justin Wilcox, representing Marin Sanitary Service (MSS) gave a PowerPoint presentation. They answered questions from the Council regarding whether the new service would be better at avoiding creating particulate matter; complaints about dust; areas where there are a lot of parked cars; how residents are contacted including apps; cost for self-management and maintenance; when the schedule would be posted and if a notice could be sent; if the sweeper picks up small rocks; the sweeping zones and the leafy season; who is responsible for cleaning up leaves in the street; if a map of the existing service could be provided; if sweeping could be done during the day when people are at work.

Mayor Coler opened the meeting to public comment.

Sierra Salin stated he would like to see a cost comparison between the current and proposed service.

Michael Macintosh expressed concerns about the sweeper equipment.

Mark Bell inquired what companies were contacted for a bid.

Todd Greenberg asked about the possibility of getting grants for a new cost-effective street sweeper.

Lyn Yetter suggested an "Adopt a Gutter" Program and having residents take more responsibility in cleaning the streets.

Philip S., Scenic Road, does not support alternate side of the street parking and thinks the street sweeper is ineffective.

Mayor Coler closed the meeting to public comment.

Councilmember Hellman would like to agendize a community survey gauging the interest level for a bond that would fund the kind of work that would need to be done. She would like this put on the next agenda.

M/S, Cutrano/Blash, Motion to Adopt a Resolution Authorizing the Town Manager to Negotiate and Execute an Agreement with Marin Sanitary Services for Street Sweeping Services for a Period of Three (3) Years in an Amount not to Exceed \$451,971.

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

3. Adopt a Resolution Authorizing the Town Manager to Negotiate and Execute a Professional Services Agreement with Fairchild Broms Design for the Preparation of Construction Documents, Plans and Specifications for the Interior Remodel of Fire Station 21 in an amount Not to Exceed \$47,000

Public Works Director Umbertis presented the staff report and gave a PowerPoint presentation. Staff answered questions from the Council regarding how asbestos would be handled; the timeline for Council approval of an agreement; if the pole would remain; why the estimate went up; if the construction proposal would go out to bid; the location and layout of the EOC.

Mayor Coler opened the meeting to public comments.

Rick Hamer asked if this substantial remodel triggers an upgrade in terms of other code requirements.

Michael Macintosh stated concerns about the project budget and wondered if the recent electrification rules will be followed.

Frank Egger asked why there were no female firefighters/paramedics in the Ross Valley Fire Department. He asked what the terms would be with respect to a loan from Sleepy Hollow.

Mayor Coler closed the meeting to public comments.

M/S, Hellman/Cutrano, Motion to Adopt a Resolution Authorizing the Town Manager to Negotiate and Execute a Professional Services Agreement with Fairchild Broms Design for the Preparation of Construction Documents, Plans and Specifications for the Interior Remodel of Fire Station 21 in an amount Not to Exceed \$47,000.

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

4. Accept Report on Renter Protections Implementation Estimates, Discuss/Consider Pilot Implementation of Rent Stabilization Program, and Adopt a Resolution Authorizing the Town Manager to Enter into an Agreement with ECHO Housing for warm-line Informational services in an amount not to exceed \$36,000

Mayor Coler stated this item has been continued to a date uncertain.

The Council took a 5-minute break at 9:20 p.m.

5. Receive 2021 Fairfax Green House Gas (GHG) Inventory Report

Climate Action Coordinator Youra presented a staff report. County Sustainability Coordinator Christine O'Rourke gave a PowerPoint presentation. They answered questions from the Council regarding whether the upward trend in zero emission vehicles will continue; if they anticipate a decline in transportation emissions in the coming years; if the significant decreases related to waste are on par with other jurisdictions; how the pandemic years factor in; if there is data regarding the use of solar panels in Fairfax.

Mayor Coler opened the meeting to public comments..

Mark Bell, Dominga Avenue, asked if the Council could do something about reducing “true up” charges. He expressed concerns regarding disposal of electric car batteries.

Todd Greenberg supported conservation and opposed the adoption of EVs.

Rick Hamer expressed concerns about data collection and discussed the Green Building Standards.

Sierra Salin expressed support for conversation and better lifestyle choices.

Mayor Coler closed the meeting to public comments.

M/S, Ackerman/Cutrano, Motion to waive the 10:00 p.m. rule.
AYES: Ackerman, Hellman, Vice Mayor Blash, Mayor Coler

Consent Calendar

- 6 . Receive Financial Statement and Disbursement Reports for October, 2023- Finance Director
7. Approve Minutes for October 18, and November 1, 2023 Town Council meetings- Town Clerk
8. Receive written report on Councilmember assignments, committees and activities in November 2023- Deputy Town Clerk
9. Receive report from Pacific Gas and Electric Company (PG&E) electricity outage and reliability information- Town Manager
10. Reappoint Tom Childers to the Tree Advisory Committee- Deputy Town Clerk

Councilmember Hellman wanted to pull item #7 for discussion.

Councilmember Cutrano noted there were supplements to items #7, #8, and #10.

Mayor Coler opened the meeting to public comments.

Mark Bell made a comment on item #8 and opposed the two-minute time limit for public testimony.

Todd Greenberg asked the Council to pull item #9 from the Consent Calendar.

Mayor Coler closed the meeting to public comments.

M/S, Hellman/Coler, motion to pull item #7 from the Consent Calendar.
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

M/S, Cutrano/Ackerman, motion to approve the rest of the Consent Calendar including the supplements
AYES: Ackerman, Cutrano, Hellman, Vice Mayor Blash, Mayor Coler

7. Approve Minutes for October 18, and November 1, 2023 Town Council meetings- Town Clerk

Councilmember Hellman was concerned about the lack of detail in the minutes.

Mayor Coler opened the meeting to public comments.

Todd Greenberg stated the minutes are not to be sculpted- they are a record of public proceedings.

Rick Hamer stated this matter should be reviewed by the Town Attorney.

Debra Benson stated any email sent to the recording secretary by a Councilmember should be made public.

P.J. Feffer stated one solution would be to go to more action-specific meeting minutes.

Mayor Coler closed the meeting to public comments.

Town Clerk Gardner clarified that the minutes are intended to reflect legislative action.

M/S, Cutrano/Ackerman, motion to approve item #7 including the supplement.

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

NOE: Hellman

Council Reports and Comments

Mayor Coler stated these reports were included in written form in the packets.

Town Manager Report

Town Manager Abrams reported several major Public Works Projects are complete and a Notice of Completion will be issued in January for the Scenic, Porteous, and 145 Canyon Road projects. The Planning Department is working diligently on the Housing Element with a Special Council meeting scheduled for next week. The Crafts Fair is scheduled for December 9th with the Menorah Lighting scheduled for December 14th. The Chamber of Commerce Winter Market will occur on December 15th. Police Sergeant Cade will be promoted to Lieutenant effective December 16th.

Future Agenda Items

Mayor Coler stated the following would be on an upcoming agenda: 1) Polling for a bond for roads; 2) Formation of a Homeless Subcommittee; 3) Bicycle Safety Helmet.

The meeting was adjourned at 10:30 p.m. in memory of Rob Schwartz.

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Fairfax Town Council Minutes
Special Meeting for the Purpose of Conducting an Annual Goal-Setting Retreat
Preceded by a Special Meeting at 9:00 a.m. to Conduct a Closed Session
Fairfax Women's Club
Wednesday, May 8, 2024

Mayor Cutrano called the special meeting to order at 9:05 a.m.
Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Lisel Blash
Barbara Coler
Chance Cutrano
Stephanie Hellman

STAFF MEMBERS PRESENT: Heather Abrams, Town Manager
Christine Foster, Deputy Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director
Janet Garvin, Town Treasurer
Jeff Beiswenger, Planning and Building Services Director
Loren Umbertis, Public Works Director
Anne Mannes, Recreation & Community Services Manager
Maria Baird, Recreation and Community Services Manager

Approval of Agenda

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

Councilmember Hellman requested that Item 4 be moved to before Item 1.

M/S Hellman/Ackerman, Motion to move Item 4 before Item 1.
AYES: Cutrano, Hellman, Ackerman
NOES: Blash, Coler

Regular Agenda

4. Discuss/consider the Residents' Petition submitted per Town Code requesting to Discuss the Creation of a Dog Park – *Deputy Town Clerk Christine Foster*

Mayor Coler called for the proponent to address the Council. Councilmembers pointed out that the proponent may not be in the room because it was originally scheduled for later in the day.

M/S, Cutrano/Hellman, Motion to move Item 4 back to its original place.
AYES: Cutrano, Ackerman, Hellman, Blash, Coler

1. Receive Scientific Survey Results Regarding a Possible Bond Measure for Road Repairs and Direct Staff on Next Steps – *Town Manager Heather Abrams*

Town Manager Heather Abrams gave the staff report and introduced consultant Lucia del Puppo, Senior Vice President with FM3 who gave a presentation of the results from the scientific survey.

Mayor Coler opened the meeting to public comments.

- Michael Mackintosh – opposed this meeting and had questions and concerns about the survey.
- Michael Sexton – expressed concerns about the survey and highlighted specific conclusions drawn from the survey.
- Todd Greenberg – opposed this meeting and did not agree with the survey.
- Mark Bell – expressed questions and concerns about the survey and Measure K.
- Pam Meigs – addressed the council about the survey subcommittee meeting discussing the survey results and had questions about the survey.

Mayor Coler closed the meeting to public comments.

Staff responded to clarifying questions and comments from Councilmembers about the importance of conducting a scientific survey before taking a measure to the ballot, that a scientific survey is driven by statistical data, common themes derived from surveys, and why some residents did or did not receive the postcards.

Councilmember Cutrano made comments about additional public education, the increased costs of deferred road maintenance, and asked if a smaller bond was considered.

Town Manager Abrams explained proposing a smaller bond is possible, noted voter fatigue, addressed the challenge of project selection with the backing of a smaller bond, and explained the payment timeline for Measure K.

Mayor Coler explained the thought process behind Measure K.

Mayor Coler noted that the survey results would be brought back to council for further discussion and action at a regular Town Council meeting.

Mayor Coler closed the discussion.

2. Receive Fiscal Year 2022-23 Audit Report – *Finance Director Michael Vivrette*

Whitney Crockett, Audit Partner with Maze and Associates introduced herself and presented the PowerPoint presentation on the Town's annual audit.

Mayor Coler opened the meeting to public comment.

- A speaker asked if the budget was online.
- Todd Greenberg asked about lawsuits the town is involved in, controlled costs, and legal expenses.

Mayor Coler clarified the years this audit covered.

- Mark Bell asked about the records provided to the auditors and Measure K.
- Michael Mackintosh asked about pension liabilities.

Mayor Coler closed the meeting to public comments and noted the Council was only receiving the report today.

Michael Vivrette, Finance Director mentioned that the audit provides numerous pages of notes about the audit, including pension, debts, and projections.

Mayor Coler called for a short break at 10:34 a.m.

Mayor Coler called the meeting back to order at 10:53 a.m.

3. Conduct workshop to discuss Fiscal Year 2024-25 Draft Operating and Capital Improvement Budget. Discussion to include the following general topics:

- Overview of Budget Workshop
- General Budget Overview
- Department Presentations
- Lunch Break (12:30 approximately)
- Capital Improvement Program (“CIP”)
- American Rescue Plan Act Funding
- Council Questions
- Council Discussion
- Closing Remarks

Town Manager Abrams and Finance Director Vivrette presented a general Budget overview.

The Council received presentations from each Department, including a presentation on the Capital Improvement Program (“CIP”).

Mayor Coler opened the meeting to public comments.

- Pam Meigs expressed concerns about the Town Attorney budget, available programs for children, and water fountains in town.
- Todd Greenberg mentioned grants, the new housing specialist position, attorney fees, creekside erosion, and downtown.

The Council made comments and asked questions to staff to be considered for inclusion in the proposed budget coming back to Council.

4. Discuss/consider the Residents’ Petition submitted per Town Code requesting to Discuss the Creation of a Dog Park – *Deputy Town Clerk Christine Foster*

Jon Elkin, resident of Fairfax presented the topic of a dog park for consideration by the Town Council.

Mayor Coler opened the meeting to public comments.

- Alan Andreini supported the idea of a dog park, specifically behind the ballfield.
- Rick Hamer supported the idea of a dog park.
- Todd Greenberg supported the idea of a dog park.

Consent Calendar

5. Authorize the Mayor to Send a Letter Opposing the State’s Excess Educational Revenue Augmentation Funds (ERAF) Reduction Proposal – *Town Manager Heather Abrams*

Mayor Coler announced there is one Consent Calendar Item.

Mayor Coler opened the meeting to public comments.

There was no public comment.

Mayor Coler closed the meeting to public comments.

M/S – Blash/Ackerman, Motion to approve the Consent Calendar.
AYES: Cutrano, Ackerman, Hellman, Blash, Coler

Adjourn to Closed Session on the following matter:
(Fairfax Community Center, 14 Park Road, Fairfax)

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

The meeting was adjourned at 4:42 p.m.

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