

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club, 46 Park Road, Fairfax, CA
and via teleconference
Wednesday, **September 4, 2024**

Call to Order/Roll Call:

Mayor Coler called the Regular Meeting to order at 6:30 p.m.

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

Special Meeting to Conduct Interviews and Consider Appointments at 5:50 p.m.
In-person at the Fairfax Women's Club

1. Conduct Interviews and Consider Appointments to the Parks & Recreation Commission and Climate Action Committee – *Deputy Town Clerk Christine Foster*

M/S, Blash/Cutrano, Motion to appoint Adrianna Smyth to the Climate Action Committee and Claude Ibrahimoff to the Parks and Recreation Commission.

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

NOES: None

Regular Meeting at 6:30 p.m.

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

Call To Order: Mayor Coler called the Regular Meeting to order at 6:30 p.m.

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

Approval of Agenda:

Mayor Coler announced that Item 17 is removed from the agenda.

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

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

NOES: None

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

Open Time for Public Expression:

Fritz Dern, Jasper, and Burk Carr, Jennifer Carr, Chris Dapostendern, Olema Road residents, voiced complaints about the 10 Olema Road project.

Rick Hamer echoed comments regarding 10 Olema Road, described School Street Plaza, and asked for assistance in moving the dispensary.

Liz Gottlieb, Fairfax Climate Action Committee, reminded everyone of the Bio-Diversity event on September 7th at the Fairfax Library, the Picnic in September, and Movie Night on October 18th.

Mark Bell asked for an agenda item regarding the attorney's salary, questioned legal bills and asked for transparency of billable hours.

Larry, Fairfax/San Anselmo Children's Center Board of Directors, invited all Councilmembers and staff to the Open House Potluck on October 5th from 4:00 to 6:00 p.m.

Todd Greenberg voiced concerns about candidates pre-posting candidate signs and of the process for signing arguments.

Deputy Town Clerk Foster confirmed all candidates received a Candidate's Guide with information about posting signs. She agreed to re-check the date printed in the guide.

Ling-Shen Bell, Dominga, asked the Council to give direction to police to issue fix-it tickets for car alarms that do not work and go on for no reason.

Mayor Coler recommended calling the Police Department on the non-emergency number and letting them know.

Regular Agenda:

1. Adopt a Resolution to Accept an Assignment from Marin Open Space Trust ("MOST") of All Rights, Duties and Obligations Under a Purchase and Sale Agreement Between MOST and the Owner of the Vacant Property Commonly Known as the Wall Property ("Property") in Order to Preserve the Property as Permanent Open Space; Authorize the Town Manager to Provide \$100,000 in Town Measure "A" funds to MOST for Purchase of the Property and Execute a Deed Restriction in Favor of the County of Marin Open Space District in recognition of the County's grant of \$1 million in County Measure "A" Funds for Acquisition of the Property; and Authorize the Town Manager and/or Mayor to accept \$500,000 from MOST for the maintenance and rehabilitation of the Property; Authorize the Town Manager to Obtain and Pay for a Title Insurance Policy on the Property and Pay One-half of the Closing Costs for Acquisition of the Property; and Authorize the Town Manager and/or Mayor to Execute Any Other Necessary Document(s) Required and/or Perform Additional Steps Necessary to Complete the Acquisition of the Property – Town Manager Heather Abrams and Town Attorney Janet Coleson

Town Manager Heather Abrams gave the staff report, overview/presentation of the matter relating to the 100-acre Wall Property that will be preserved as open space in perpetuity, and described steps and documents related to its assignment/acquisition. She asked to save the date of Monday, October 14th at 5:00 p.m. for the ribbon-cutting ceremony.

Mayor Coler opened the meeting to public comments.

Todd Greenberg, voiced complaints about the lack of transparency for the Fairfax Open Space Committee, problems with the staff report and escrow documents, and maintenance costs.

Mark Bell asked who the current owner is of Wall Property.

Frank Egger congratulated everyone who participated in this purchase and asked for disclosure of the anonymous large donor.

Mayor Coler clarified all donations go to MOST and are kept confidential unless the donor agrees to disclose their donation. She confirmed Sequoia Mortgage Associates created an LLC called Marinda Heights which is typical in property transactions.

Michael Mackintosh voiced concerns with the Town accepting and benefitting from a large donation without acknowledging who it came from, and asked for transparency.

Bill Long, MOST, said he is very impressed with the spirit and support from Fairfax and surrounding area individuals, the Open Space Committee, and Council subcommittee for this open space acquisition and look forward to the scheduled ribbon-cutting.

Mayor Coler asked for a motion and pointed out there is a Supplement.

M/S, Cutrano/Coler, Motion to adopt a Resolution to Accept and Execute an Assignment from Marin Open Space Trust ("MOST") of All Rights, Duties and Obligations Under a Purchase and Sale Agreement Between MOST and the Owner of the Vacant Real Property Commonly Known as the Wall Property ("Property") in Order to Preserve the Property as Permanent Open Space; and to authorize the Town Manager to Provide \$100,000 of Town Measure "A" funds to MOST for Purchase of the Property and to authorize the Town Manager to execute a Deed Restriction in Favor of the County of Marin Open Space District in recognition of the County's authorization and provision of \$1 million in County Measure "A" Funds for Acquisition of the Property; and to authorize the Town Manager and/or Mayor to accept a \$500,000 donation from MOST through escrow for the maintenance and rehabilitation of the Property; and to authorize the Town Manager to Obtain and Pay for a Title Insurance Policy on the Property and Pay one-half of the Closing Costs for Acquisition of the Property; and to authorize the Town Manager and/or Mayor to Execute Any Other Necessary Document(s) Required and/or Perform Additional Steps Necessary to Complete the Acquisition of the Property.

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

NOES: None

Mayor Coler announced the Marin Open Space Committee is celebrating their 20th anniversary here on Saturday night, September 7th and holding an early celebration for the Wall Property.

2. Review and Discuss Fire Station 21 Construction Upgrades – Town Manager Heather Abrams and Ross Valley Fire Chief Dan Mahoney

Town Manager Heather Abrams gave a brief introduction of the item regarding construction upgrades of Fire Station 21.

Ross Valley Fire Chief Dan Mahoney gave a PowerPoint presentation, background, and overview of the staff report regarding Fire Station 21 construction upgrades, pros and cons, and three options for Council consideration.

Councilmembers questioned the \$1.5 million cost, triggers for additional costs relating to ADA and Building Code requirements, seismic retrofitting, agreement for Fairfax to contribute a one-time cost of not to exceed \$210,000 outlined in the Third Amendment, which relates to Option 3, and timelines for the three options.

Town Manager Abrams said Option 1 is the most robust remodel and the most intensive in terms of time, finances, and labor. Option 2 would be value engineering that, and Option 3 is something that could be accomplished in the original commitment budget, but it is not satisfactory to the firefighters.

Councilmember discussion ensued regarding separate costs for any flood mitigation efforts, investments for Station 19 and 20 and flood risks, value engineering and returning with more refined costs, and the potential for a loan of up to \$1 million from the County and/or Sleepy Hollow.

Mayor Coler opened the meeting to public comments.

Michael Mackintosh said he gave Chris Morin original as-built plans for the Town Hall, Fire and Police buildings, suggested the Town purchase School Street Plaza, move housing entitlements to this location, and apply for Flood District 9 monies.

Frank Egger spoke about the 1982 flood, voiced concerns with adding \$1.5 million to the Town's debt, and suggested the Town-owned parking lot and reuse of the current firehouse for Town Hall uses.

Todd Greenberg suggested allocating more money for storm drains and flood prevention, and asked to evaluate the different sites that would provide robust capabilities for the Town's huge growth.

Mark Bell agreed that the parking lot would be an excellent site to consider and recommended getting bids on what it would cost to build a new station in a non-flood zone area.

Councilmember discussion ensued regarding use of \$1.6 million in ARPA funds for storm drain improvements, Option 1 as an important investment for current facilities, potential grants, community and Council input for a longer vision and process, and there was Council consensus voiced for Option 1.

Town Manager Abrams confirmed that staff will obtain more information about loans, meet with the designer and Coastland Engineering to determine what is needed to meet code, then return to the Council with an update.

BREAK

Mayor Coler called for a brief recess at 8:34 p.m., and, thereafter the meeting was reconvened at 8:42 p.m.

3. Adopt a Resolution Rejecting All Bids for the 2024 Slurry Seal Project and Direct Staff to Re-Solicit for Bids – Public Works Director Loren Umbertis

Public Works Director Umbertis gave the staff report and overview of the request to adopt a Resolution rejecting all bids for the 2024 Slurry Seal project, noting three bids were received and the lowest bid was significantly higher than the Engineer's estimate. Staff seeks direction from the Council to value engineer and review the project scope and to go out for a rebid later in the season.

Councilmember discussion ensued regarding cost estimates and seasonal timing of work and timing of bids, Fairfax's topography relating to road improvement costs, the three bids received, scoping and bid processes, and availability of contractors.

Mayor Coler opened the meeting to public comments.

Michael Mackintosh suggested staff reach out to contractors who have done pavement work in the past for the Town and recommended looking at expenses relating to staging.

Todd Greenberg suggested staff obtain a list of local companies that other jurisdictions have used.

Mark Bell echoed speakers' suggestions and noted this is the second bid where the estimate has come in well above what the Engineer's estimate.

Doug echoed comments and commended staff's work and parallel timing and coordination with other agencies which saves money.

Mayor Coler and Councilmembers thanked staff for their work and voiced support to reject all bids and resolicit bids for the project in the hopes of better pricing.

M/S, Blash/Ackerman, Motion to adopt a Resolution rejecting all bids for the 2024 Slurry Seal Project and direct staff to re-solicit for bids.

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

NOES: None

4. Adopt a Resolution awarding a contract with RWR Construction, Inc. for 103 Rocca Drive Roadway Stabilization and Retaining Wall project and Authorize Town Manager to Execute the Contract and Pay an amount not to exceed \$234,643, with an Additional Contingency of 10%, for a Project Total of \$258,107 – Public Works Director Loren Umbertis

Public Works Director Loren Umbertis gave the staff report and overview of the request for the Council to adopt a Resolution awarding a contract with RWR Construction, Inc. the 103 Rocca Drive Roadway Stabilization and Retaining Wall project.

Mayor Coler opened the meeting to public comments.

Todd Greenberg asked that the Town pay more attention to the causes of these types of occurrences.

Michael Mackintosh gave his historical account of the Sailor Bar owners who moved to Fairfax.

M/S, Ackerman/Cutrano, Motion to adopt a Resolution awarding a contract with RWR Construction, Inc. for 103 Rocca Drive Roadway Stabilization and Retaining Wall project and authorize Town Manager to execute the contract and pay an amount not to exceed \$234,643, with an additional contingency of 10%, for a project total of \$258,107.

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

NOES: None

Consent Calendar:

Mayor Coler referred to Item 12 and the PCA (Priority Conservation Areas) and questioned how the Town could include unincorporated parts of town.

Town Manager Abrams explained MTC allows the Town to make those PCAs including areas outside Town limits, and those within the Town's Sphere of Influence or Planning Area.

Mayor Coler referred to Item 18 on the Police Chief contract and asked staff to add Exhibit A at the next meeting. Town Manager Abrams agreed and also noted this contract is available on-line in the August 7th meeting materials.

Mayor Coler asked and confirmed no Councilmembers wished to remove an item from the Consent Calendar, and commented that Item 17 is removed from the Consent Calendar.

Mayor Coler opened the meeting to public comments.

Todd Greenberg asked the Council to pull Items 5, 6, 7, 8, 9, and 10, and 18, and gave a summary of these items.

Mark Bell objected to there being 14 items on the Consent Calendar and spoke about rising landlord costs.

Michael Mackintosh noted Joseph Kapperman purchased the bar, voiced complaints of not being able to remove Consent Calendar items for discussion, and those who provide housing that are penalized.

Doug voiced opposition to some Consent Calendar routine items not being on the regular agenda.

Deputy Town Clerk Foster announced one correction to the May 29th minutes and said the recorded vote for Item 2 should be changed to reflect Councilmember Hellman voted no.

5. Receive Financial Statement and Disbursement Reports for July 2024 – Finance Director, Michael Vivrette
6. Approve Minutes for the May 22 and May 29, 2024 (as amended) Town Council meetings – Deputy Town Clerk, Christine Foster
7. Receive written report on Councilmembers' assignments, committees, and activities in August 2024 – Deputy Town Clerk Christine Foster
8. Adopt a Resolution Establishing Wages and Benefits for Management, Confidential and Part-time Employees for the Period of July 1, 2024, through June 30, 2027 – Town Manager Heather Abrams
9. Receive and replace revised Salary Table for Memorandum of Understanding (MOU) with the Service Employees International Union, Local 1021 (SEIU) for the Period of July 1, 2024, through June 30, 2026 – Finance Director Michael Vivrette
10. Adopt the 2024 Marin Countywide Local Road Safety Plan and Adopt Chapter 10 of 2024 Marin Countywide Local Road Safety Plan as the Town of Fairfax Local Road Safety Plan – Public Works Director Loren Umbertis
11. Adopt a Resolution Establishing the Regular Council Meeting Dates for the Months of January, July, and October in 2025, and confirm the 2025 Council Regular Meeting Calendar – Deputy Town Clerk Christine Foster
12. Receive Informational Report on Priority Conservation Areas (PCA) – Planning and Building Services Director Jeffrey Beiswenger
13. Adopt Resolution Authorizing the Temporary Closure of Dominga and Napa Avenues following the 2024 Halloween Parade on October 31, 2024 – Deputy Town Clerk Christine Foster
14. Adopt Cancer Awareness Month Proclamation – Mayor Coler

15. Adopt Biodiversity Day Proclamation – Mayor Coler

16. Adopt Hispanic Heritage Month Proclamation – Mayor Coler

~~17. Authorize the Mayor to Send a Commendation Letter to the Council on American Islamic Relations, San Francisco Bay Area Office (CAIR-SFBA) — Deputy Town Clerk Christine Foster~~

18. Receive Notice of Amendments to the Employment Agreement with Rico Tabaranza, Police Chief, for the Period of July 1, 2024 through June 30, 2028 – Town Manager Heather Abrams

M/S, Cutrano/Ackerman, Motion to adopt the Consent Calendar, with an amendment to Item 6 for the May 29, 2024 minutes.

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

NOES: None

Council Reports and Comments:

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

Future Agenda Items

There were no future agenda items.

Town Manager Report

No report.

Adjournment

The meeting was adjourned at 9:36 p.m. In memory of Jessica Green, Bob Hollingshead, and Wendy Baker.