

Fairfax Town Council Minutes  
Regular Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
Wednesday, December 7, 2022

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

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Lisel Blash (incoming)  
Barbara Coler  
Chance Cutrano  
Renee Goddard (outgoing)  
Stephanie Hellman

**STAFF MEMBERS PRESENT:** Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Kylee Otto, Assistant Town Attorney  
David Woltering, Interim Planning Director  
Mark Lockaby, Building Official  
Rob Bastianon, RVFD Fire Inspector  
Loren Umbertis, Public Works Director  
Sean Youra, Climate Action Coordinator

Approval of Agenda

M/S, Coler/Cutrano, Motion to approve the agenda as submitted.  
AYES: Ackerman, Coler, Goddard, Vice Mayor Cutrano, Mayor Hellman

Announcements

Mayor Hellman made the announcements as they appeared on the agenda.

Mayor Hellman read a statement regarding the recent adoption of the Rent Stabilization and Just Cause Ordinances.

Michael Mackintosh asked the Council to provide the justification that allowed the Mayor to make a statement but did not allow for public comment.

Regular Agenda

1. Adopt Ordinance Amending the Town's Zoning Code to Prohibit New Gas Filling (Service) Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Gas Filling (Service) Stations; CEQA Categorically Exempt per Sections 15307, 15308, 15061(b)(3), and 15300.2

Interim Planning Director Woltering presented a staff report and answered a question regarding finding a way to keep the existing gas stations from becoming non-conformities.

Mayor Hellman opened the meeting to public comments.

Frank Egger stated the ordinance would make the two existing stations in Fairfax illegal. He did not oppose the prohibition against new stations, but suggested the introduction of the ordinance be postponed until the potential impacts were examined.

Michael Mackintosh agreed with the previous speaker. He supported no new stations.

Todd Greenberg agreed with the previous two speakers.

Jody Timms, Chair of the Climate Action Committee, supported the ordinance.

Mark Bell, Claire Armitage, Sierra Salin, and Mallory Geitheim agreed with Frank Egger and Todd Greenberg

Holly Baade, representing Marin Freedom Rising, opposed the ordinance.

Mayor Hellman closed the meeting to public comments.

Town Attorney Coleson clarified that the ordinance would not make the existing stations illegal or put them out of business.

M/S, Goddard/Coler, Motion to continue this item to a future meeting, and ensure that the existing gas stations will not be negatively impacted by this ordinance.

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

Town Attorney Coleson responded to Michael Mackintosh's question regarding public input on a statement made by Mayor Hellman and noted the public could address the statement during Open Time.

## 2. Present Proclamation in Honor of Councilmember Renee Goddard

Mayor Hellman read the Proclamation in Honor of Councilmember Goddard.

Mayor Hellman opened the meeting to public comments.

Michael Macintosh, Veronica Geretz, Supervisor Katy Rice, Alexis Fineman, Wendy Kallins, Lisel Blash, Wendy, Deborah London, Joe McGarry, David Weinsoff, Dan Mahoney, Sierra Salin, Beverly Brewster, Chris P., Ruby, Mo McManus, Mimi Newton, Anne Mannes, Miranda Miller, and a number of unidentified individuals thanked Councilmember Goddard for her service to the Town of Fairfax.

Mark Bell, representing Save Dominga Avenue, discussed Councilmember Goddard's interpretation of the Noise Ordinance.

Holly Baade discussed some of the policies that were supported by Councilmember Goddard.

The Council and staff thanked Councilmember Goddard and presented her with a gift.

## 3. Adopt a Resolution Reciting the Fact of the General Election held on November 8, 2022 and Declaring the Result and such other Matters as Provided by Law

Town Clerk Gardner presented a staff report.

Mayor Hellman opened the meeting to public comments and, seeing none, closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to Adopt a Resolution Reciting the Fact of the General Election held on November 8, 2022 Declaring the Result and Such Other Matters as Provided by Law  
AYES: Ackerman, Coler, Goddard, Vice Mayor Cutrano, Mayor Hellman

#### 4. Administer Oath of Office to Newly Elected Public Officers

The Deputy Town Clerk administered the Oath of Office to the newly elected public officials.

Mayor Hellman opened the meeting to public comments.

There were no comments.

Mayor Hellman closed the meeting to public comments.

Outgoing Councilmember Goddard left the dais and incoming Councilmember Blash took her seat at the dais.

#### 5. Reorganization of the Town Council: Selection of Mayor and Vice Mayor

Town Clerk Gardner presented a staff report.

M/S, Ackerman/Hellman, Motion to select Vice Mayor Cutrano as Mayor and Councilmember Coler as Vice Mayor.

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

Mayor Hellman opened the meeting to public comments.

Veronica Geretz congratulated Mayor Cutrano.

Mayor Hellman closed the meeting to public comments.

The Council and staff presented outgoing Mayor Hellman with a gift.

#### Break

The Council took a 15-minute break for a reception for the newly elected Town officials.

#### Open Time

Michael Mackintosh, Lola Pettit, Frank Egger, Debra London, Sara Godwin, Luann Lucacheria, Nick Calder, Hal London, Liz Froneberger, Holly Baade, Ashley Robinson, Todd Greenberg, Mark Bell, Graham Irwin, Sierra Salin, Adam Neville, Mallory Geitheim, Jessica Green, Pam Meigs, MM, Lynette Shaw, Claire Armitage, SR and several unidentified individuals opposed the recently adopted Rent Stabilization and Just Cause Eviction Ordinances.

Andrew, Joe McGarry, Naomi, Veronica Geretz, Curt Ries, Laura, Kyle, Wendy, Mo McManus, Susan Malloy, Chris P, Wynn, P.J. Feffer, Mallory Geitheim, Deepa Varma, Joseph Hewlings, Sandy Handsher, Jody Timms, MM, Erica Milligan, Jack Buckhorn, Julian Herrando, Megan, Richard Applebaum, and several unidentified individuals supported the recently adopted Rent Stabilization and Just Cause Eviction Ordinances.

Kendra Scott, Spruce Road, asked about the status of the neighbor's public nuisance complaint about Fairfax Lumber.

Jody Timms discussed climate change and the joint Fairfax/San Anselmo Assessment Program.

M/S, Coler/Ackerman, Motion to waive the 10:00 p.m. rule and continue with the rest of the agenda.

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

### Town Manager Report

Town Manager Abrams reported the Rent Stabilization and Just Cause Eviction Ordinances had not been implemented; it was dependent on having staff and contractors available to do the work. The recruitment of a Planning Director continues. In the meantime, a contract planner would be brought in to work on advanced planning projects. She toured the new flood detention basin at the former Sunnyside Nursery site.

Michael Mackintosh stated that Flood Zone 9 should pay for the damage to Sir Francis Drake Boulevard from the construction of the detention basin.

Todd Greenberg supported taking care of roads.

Frank Egger stated the detention basin would reduce flood waters in downtown Fairfax by only four inches.

### Consent Calendar

6. Adopt Resolution Allowing for In-Person, Hybrid Teleconferencing, or Fully Teleconferenced Meetings of all Legislative Bodies Pursuant to the Provisions of AB 361
7. Approve Minutes for the October 6<sup>th</sup> Town Council meeting
8. Receive written report on Councilmembers' assignments, committees, and activities in November
9. Receive Financial Statements and Disbursement Reports for October 2022
10. Authorize the Mayor to send a letter to Governor Newsom and California Public Utility Commissioners reaffirming support for Net Energy Metering
11. Adopt Resolution Confirming the Continued Existence of a Local Emergency at or near 195 Pine Drive, Fairfax, and Continuing Authorization for the Emergency Procurement of Materials and Labor Without Competitive Bidding: Exempt from CEQA pursuant to Sections 15269(b)(d)
12. Adopt a Resolution Authorizing the Town Manager to execute a purchase agreement with Gardenland Power Equipment for a new 48" all-electric mower for the Parks Maintenance Division in an amount not to exceed \$29,835
13. Second reading by title only and adoption of Ordinance transferring authority to review and grant exceptions to the residential and commercial driveway width and number regulations from the Town Council to the Planning Commission and expanding the variance language contained in the various residential and commercial zone districts to include driveway entrance variances: CEQA Categorically Exempt per Sections 15301(e) and 15303(a) and

(c) and 15305

Mayor Cutrano opened the meeting to public comments.

Frank Egger referred to item #11 and urged the Town to file a claim for the cost of repairs.

Todd Greenberg asked questions about item #12.

Igor Tragood supported item #10.

Mayor Cutrano closed the meeting to public comments.

M/S, Ackerman/Coler, Motion to approve the Consent Calendar as submitted.

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

### Regular Agenda

14. Second Reading by Title Only and Adoption of an Ordinance to Adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 & 12, Which Consists of the California Administrative, Building, Residential, Electric, Mechanical, Plumbing, Energy, Historic Building, Existing Building, Green Building Standards, and Referenced Standards Codes, with Local Amendments, and Adopting the 2021 Edition of the International Property Management Code- CEQA Exempt pursuant to Sections 15061(b)(3), or in the alternative Sections 15307 and 15308

Building Official Lockaby presented a staff report and answered a question from the Council.

Mayor Cutrano opened the Public Hearing.

Michael Mackintosh did not support the 200-square foot provision and had concerns about all-electric homes during a power outage.

Todd Greenberg agreed with the previous speaker.

Holly Baade opposed the ordinance due to concerns of surveillance.

Jody Timms stated the Climate Action Committee supported the Reach Codes.

Mallory Geitheim agreed with concerns of all-electric homes in a power outage.

Lynnette Shaw opposed the ordinance and echoed the power outage concerns.

Mayor Cutrano closed the Public Hearing.

The Council noted the Flexible Compliance Pathway in the ordinance did not require all-electric.

M/S, Coler/Ackerman, Motion to Waive full reading, read by title only, and Adopt an Ordinance to Adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 & 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, with Local Amendments, and Adopting the 2021 Edition of the International Property Maintenance Code.  
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

M/S, Coler/Ackerman, Motion to waive the 11:30 p.m. rule.  
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

15. Second Reading by Title Only and Adoption of an Ordinance to adopt the 2022 California Fire Code, portions of the 2021 International Fire Code with certain local amendments and additions, and Appendix A of the 2021 International Wildland-Urban Interface Code- CEQA Exempt pursuant to Section 15061(b)(3) or in the alternative Sections 15307 and 15308

Fire Inspector Bastianon presented a staff report and answered questions from the Council regarding Section 12.08.3, Permits for Home Backup Generators.

Mayor Cutrano opened the Public Hearing.

Todd Greenberg asked a question about generator safety.

Mayor Cutrano closed the Public Hearing.

M/S, Coler/Hellman, Motion to Waive Second Reading, Read by Title Only, and Adopt Ordinance No 873 of the Town Council of the Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code Adopting the 2022 California Fire Code, portions of the 2021 International Fire Code and Appendix A of the 2021 International Wildland-Urban Interface Code prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for the issuance of permits for hazardous uses or operations and establishing a Fire Prevention Bureau and providing officers therefore and defining their powers and duties with the corrections noted by Vice Mayor Coler.

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

16. Adoption of Urgency Ordinance Amending Chapter 17.048 of the Fairfax Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Statutorily Exempt from CEQA

Interim Planning Director Woltering presented the staff report. He referred to page 6 of the ordinance and stated that under "Rental Term" item 4 where it says: "no ADU or JADU may be rented for a term under 30 days" the phrase "prior to 1/1/2020" should be added after "30 days". Assistant Town Attorney Otto answered questions from the Council regarding some of the language, noting it purposely mirrored state law.

Mayor Cutrano opened the Public Hearing.

Todd Greenberg asked how the ordinance would impact the building of ADUs.

Michael Mackintosh asked about whether certain units would be subject to rent control laws.

Mayor Cutrano closed the Public Hearing.

M/S, Coler/Blash, Motion to waive reading and introduce and adopt an Urgency Ordinance Amending Ordinance 17.048 of the Fairfax Municipal Code Related to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Statutorily Exempt from CEQA with the change mentioned on page 6, under item #4.

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

17. This item is continued to January 10, 2023: 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 Marlene Sorgen, appellants/owners; CEQA categorically exempt per Section 15301(e)(2)(1)

Mayor Cutrano stated this item was continued to the January 10, 2023 Council meeting.

#### Council Reports and Comments

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

#### Future Agenda Items

Councilmember Ackerman asked that the Council give some serious attention to the ordinances that were discussed tonight during Open Time.

The meeting was adjourned at 11:56 p.m. in memory of Ronald Funke, Beverly C. Ongaro, Judy Schriebman, Brad Webster, and Daniel Cristileen.