

DRAFT

Fairfax Town Council Minutes
Regular and Special Meetings
Women's Club, 46 Park Road, Fairfax and via Zoom teleconference
Wednesday, February 1, 2023

Mayor Cutrano called to order the **Special Meeting at 6:00 p.m.**

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

1. Interview applicant Josh Weinik and consider his appointment to the Open Space Committee

The Council interviewed Josh Weinik for appointment to the Open Space Committee.

Mayor Cutrano opened the meeting to public comments.

Mike Ardito, Fairfax Open Space Committee Co-Chair, supported the appointment.

Mayor Cutrano closed the meeting to public comments.

M/S Hellman/Blash Motion to appoint Josh Weinik to a full term on the Open Space Committee.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

The meeting was adjourned at 6:25 p.m.

Mayor Cutrano called to order the **Regular Meeting at 6:30 p.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
Rico Tabaranza, Chief of Police
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
David Woltering, Interim Planning Director
Loren Umbertis, Public Works Director
Sean Youra, Climate Action Coordinator

Approval of Agenda

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

State of the Town

Mayor Cutrano presented a statement about the Town in terms of “where we’ve been and where we’re going.”

Town Manager Abrams discussed the difference between the Council and the role of the Town Manager and the priorities for this year.

Open Time

Michael Ardito, Open Space Committee Co-Chair, gave details about their Film Night.

Michael Mackintosh appreciated the Mayor’s State of the Town address and was concerned about the number of Consent Calendar items.

Liz Froneberger was concerned about development of the Wall property.

Joe McGarry discussed how Good Earth was eliminating single-use paper cups, and the Overdose Prevention Summit hosted by the county

Sierra Salin discussed trees falling, limits on speaker time, PG&E disincentivizing solar power, Diablo Canyon being extended.

Frank Egger, Meadow Way, stated the 200 Bolinas Road proposal for affordable housing should be based on Fairfax median income. He was concerned about the number of items on the Consent Calendar.

Mark Bell opposed reducing public comments on Zoom from two minutes to one minute.

Mallory Geitheim stated the Town should fight against state housing laws. She was concerned about the homeless encampment.

Christopher Lang, MCBC, discussed his proposal for a Netherlands-style bike lane on Broadway.

Todd Greenberg was concerned that the Council did not listen to the residents.

Wendy stated there was an issue with the Zoom audio feed.

The Council took a 20-minute recess at 7:25 p.m. to address the technical issue.

Jody Timms, Climate Action Committee Chair, announced their outreach on heat pumps.

Joseph Hewlings, Climate Action Committee, discussed the survey the committee was conducting.

Deborah Benson was concerned about the change to all-electric, stating it was not as green as it appeared.

Kirstin agreed with the concern about development of the Wall Property, the number of items on the Consent Calendar, and the homeless encampment in the park.

Kathy Flores supported the comments of previous speakers Todd and Mallory.

Danny Brigman stated for Zoom participants, the telephone workaround was difficult.

Richard Applebaum, Fairfax, stated he disagreed with the comments about the Council rushing or not representing all the people.

Norm Anderson stated the speed limit should be lowered on Sir Francis Drake Boulevard between Oak Manor and Glen Drive.

Jane Richardson Mack echoed the concerns about the Wall Property and the homeless encampments.

Phillip Salaverry was concerned about the homeless situation.

Lisa Sirabella, Fairfax, stated Item #26 should be at the beginning of the agenda.

Chris thanked the Council for their time.

Ryan O'Neal, Iron Springs Road, discussed how the Council represented all residents, not just those who were at a meeting.

Consent Calendar

1. Adopt Resolution Allowing for In-Person, Hybrid Teleconferencing, or Fully Teleconferenced Meetings of all Legislative Bodies Pursuant to the Provisions of AB 361- Town Clerk
2. Receive Financial Statement and Disbursement Reports for November/December 2022- Finance Director
3. Receive Treasurer's Report for Quarter ending December 31, 2022- Town Treasurer
4. Approve Minutes for Town Council meetings- Town Clerk
5. Receive written report on Councilmembers' assignments, committees, and activities in December and January- Town Clerk
6. Receive Report on Town Pavement Condition Index (PCI) Report, known at PTAP-23- Public Works Director
7. Receive Climate Action update- Climate Action Coordinator
8. Receive Recreation and Community Services Department Quarterly Financial Report for October to December, 2022- Recreation Manager
9. Receive update on Parklets and live music- Town Manager, Interim Planning Director
10. Adopt Resolution Terminating the Local Emergency Declared March 30, 2022 at or near 195 Pine Drive, Making a Supplemental Budget Appropriation, Accepting the Work as Complete and Directing the Issuance of a Notice of Completion for the Repairs Made- Public Works Director
11. Adopt a Resolution to Retitle and Amend the Classification and Corresponding Specification and Pay Range of Deputy Town Clerk to Deputy Town Clerk/Administrative Analyst- Town Manager

12. Approve adjustment to the Climate Action Coordinator pay range- Town Manager
13. Adopt a Resolution Amending Annual Salary Schedule for Fiscal Year 2022/23 to reflect Salary Range Adjustments for Climate Action Coordinator and Deputy Town Clerk/ Administrative Analyst positions- Town Manager
14. Adopt a Resolution to change the Regular monthly Planning Commission meeting date from The 4th Thursday to the 3rd Thursday of each month- Interim Planning Director, Principal Planner
15. Reappoint Cindy Swift to another term on the Planning Commission- Town Clerk
16. Reappoint P. J. Feffer to another term on the Planning Commission- Town Clerk
17. Receive informational update regarding the Sixth Cycle Housing Element Update Project- Interim Planning Director
18. Adopt Resolution authorizing the Town Manager to Execute an Amended and Restated Agreement with 4Leaf Inc. for Contract Planner Services- Town Manager
19. Adopt a Resolution confirming and continuing the existence of a local emergency declared on January 5, 2023- Town Manager
20. Receive Information Related to Remote Participation in Public Meetings after February 28, 2023- Town Manager
21. Authorize the Town Manager to enter into an agreement with the Town of Ross to provide and receive occasional and intermittent police services during the period of February 1, 2023 through June 30, 2023- Town Manager, Police Chief
22. Adopt Proclamation Celebrating Black History Month- Mayor Cutrano
23. Adopt Proclamation of Gratitude for Public Works Crew during winter storms- Mayor Cutrano
24. Adopt Resolution Authorizing the Temporary Closure of Certain Streets and Portions Thereof, to Allow a Little League Opening Day Parade on March 11, 2023, and approve sponsorship- Town Clerk
25. Adopt a Resolution authorizing a supplemental appropriation of \$15,803 to cover unanticipated costs associated with 378 Scenic and 78 Wreden Road Repair and Rehabilitation Projects- Public Works Director

Staff responded to clarifying questions from the Council and offered brief comments.

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh referred to item #17 and asked about the two meetings with HCD. He stated the Marin Town and Country Club property should be included in the Housing Element.

Sierra Salin referred to item #9 and opposed amplified music and privatizing public spaces with parklets.

Mark Bell referred to item #6 and stated infrastructure and safety are the Town Council's primary obligations. He offered simple solutions to items #7 and #12. He opposed amplified music in the parklets.

Mallory Geitheim, Fairfax, opposed all but one parklet on Broadway. She supported acoustic music in the parklets, with no drums.

Frank Egger, Fairfax, asked about the payments to EMC Consulting, why the homeless were allowed to take over Town property, and where the 500 new units in the Housing Element were going to be put.

Todd Greenberg, Fairfax, referred to item #3 and expressed concern about the fiscal impact. He commented on a news article about the County's proposal for affordable housing in Fairfax.

Jack Judkins, Open Space Committee, referred to item #17 and referenced several General Plan policies regarding preservation of open space for the Housing Element 6th Cycle.

Deborah Benson, Fairfax, agreed with the comments made by Frank Egger and Sierra Salin. The parklets are a problem.

K. was concerned about the parklets being ADA accessible and opposed music in the parklets.

Niccolo Caldararo was concerned about the spread of false information and hoped people would calm down. He noted that the State was being sued by a number of towns, and RHNA numbers are complex.

Lisa Stewart, Olema Road, stated the goal should be to decrease property taxes in Fairfax to help people become homeowners.

Emily stated she did not support outsourcing work with respect to the Just Cause ordinance.

Karen Stern, Fairfax, referred to item #6 and asked about the maintenance plan to keep culverts clean.

Roger Marsden, Fairfax, asked a procedural question.

Joe McGarry supported the Proclamation regarding Black History Month.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to approve the Consent Calendar with the supplement for item #12 and the removal of item #18 to the end of the agenda for discussion.

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

The Council took a 10-minute break at 9:20 p.m.

Regular Agenda

26. Discuss/consider Residents' Petition submitted per Town Code regarding Ordinance Nos. 870 and 871, and direct staff as appropriate

Claire Armitage, Fairfax, made a brief presentation on the residents' petition she had submitted.

Mayor Cutrano opened the meeting to public comments.

Michael Burke, Graham Irwin, Michael Sexton, Norma Neal, Jessica Greene, Melann Mushet, Kelly Medina, Kelly London, Dave Smadbeck representing the Fairfax Chamber of Commerce, Dave Baranco, Michael Mackintosh, Deborah London, Phillip, Daniel Duffy, Todd Greenberg, Mark Bell, Sierra Salin, Frank Egger, Candace, Susan Fisher, Blaine Morris, Mallory Geitheim, Liz, Karen Arnold, Joan Burgarella, Jason Sanders, Kate Smith, John Reed, Jo Carson, Sammy, Karen Stern, Kirstin, Lisa Sirabella, K, Liz Froneberger, Matt Prezzano, Georgia Gibbs, and K. spoke in opposition to the ordinances. Many asked the Council to put the issue to a vote of Fairfax residents.

The Council reviewed the agenda pursuant to the 10:00 Rule.

M/S, Coler/Hellman, Motion to continue items #18 and #27 to the February 15th meeting.

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

Susan Adams, Susan Mulloy, Naomi, Joe McGarry, Wendy, an unnamed tenant, Philip Feffer, Eva, Ellen L, Megan Feffer, Lucie Hollingsworth, Jack Buckhorn, and Curt Ries spoke in support of the ordinances.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Hellman, Motion to waive the 11:30 p.m. rule and continue with the agenda.

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

After noting the lateness of the hour and the need for more time to discuss this matter, the Council reached consensus to hold an interactive community workshop that would focus on the Just Cause eviction ordinance only. In addition, they agreed that there would be safe means for everyone to participate and a professional facilitator; and Mayor Cutrano and Vice Mayor Coler would work with staff on the workshop format.

27. Discuss/consider Town Council Board & Committee Assignments for 2023

Mayor Cutrano noted this item was continued to the February 15, 2023 meeting.

28. Authorize the Town Manager to execute Agreement with Marin County Sheriff's Office for Participation in the "Specialized Investigation Unit"

Police Chief Tabaranza presented the staff report and answered questions from the Council. He emphasized that this unit was for investigations only.

Mayor Cutrano opened the Public Hearing.

Michael Mackintosh stated the residents of Fairfax should be grateful for their Police Department.

Joe McGarry was opposed to a proposal for an expansion of the Police Department. He asked the Council to look at Public Safety alternatives.

Todd Greenberg supported the proposal.

Eva noted the lateness of the hour and stated the Council should postpone this item to a time when more people can participate.

Wendy stated she had concerns about the Marin County Sheriff's Department, but noted the Chief and Sergeant listened closely to the residents who spoke tonight.

Georgia Gibbs supported the proposal.

Mayor Cutrano closed the Public Hearing.

M/S, Coler/Cutrano, Motion to Authorize the Town Manager to execute an Agreement with Marin County Sheriff's Office for the Fairfax Police Department's Participation in the "Specialized Investigation Unit" of the Marin County Sheriffs' Office, formerly known as the Marin County Major Crimes Task Force.

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

29. This item is continued to March 1, 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 has been continued to the March 1, 2023 Council meeting.

18. Adopt Resolution authorizing the Town Manager to Execute an Amended and Restated agreement with 4Leaf Inc. for Contract Planning Service

Mayor Cutrano noted this item was continued to the February 15, 2023 meeting.

Council Reports and Comments

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

Future Agenda Items

There were none.

The meeting was adjourned at 2:30 a.m.

DRAFT

Fairfax Town Council Minutes
Special Meeting
Women's Club, 46 Park Road, Fairfax
and via teleconference
Wednesday, February 15, 2023

Mayor Cutrano called the Special meeting to order at 6:30 p.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
Michele Gardner, Town Clerk
David Woltering, Interim Planning Director
Janet Coleson, Town Attorney (via Zoom)
Jason Weber, Ross Valley Fire Chief

Approval of Agenda and Affidavit of Posting

M/S, Coler/Hellman, Motion to approve the affidavit of posting and the agenda as submitted.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

Regular Agenda

1. Discuss/consider Ross Valley Fire Department Governance and Leadership Study and provide direction to Town representatives on the Ross Valley Fire Board

Town Manager Abrams presented a staff report. She introduced Ross Valley Fire Chief Jason Weber and consultants Jim Irving and Adam Politzer. They gave a PowerPoint presentation and answered questions from the Council regarding the data for the stand-alone vs. the Joint Powers Agreement (JPA); cost savings through sharing resources; changes in fire service; the distinction between a District and a JPA; if the districts presented in the example were all pre-Proposition 13; the amount of time it takes to set up a District vs. a JPA; fire personnel's preference for regional fire districts; if there would be a change in response times.

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh supported the recommendations of the consultants.

Frank Egger, Meadow Way, gave a history of fire service in Fairfax. He suggested hiring an Interim Chief to allow the Council adequate time to decide.

Sierra Salin supported joining with other entities as long as dispatch times weren't impacted.

Peter, Fairfax resident, commended the Fire Department's response to his recent house fire.

Liz Froneberger, former CQI RN for Central Marin Fire, stated an EMS Battalion Chief was essential for any department providing a 911 response. She supported a JPA before going to a fire district model.

Oscar Arenas, President of the Ross valley Firefighters Association, stated they would like the exploration of shared services with Central Marin Fire in the short term. In the long-term, they supported a fire district model.

Mayor Cutrano closed the meeting to public comments.

The Council discussed the matter and reached consensus to direct the Town's representatives to the RVFD Board that they would like to proceed with the joint powers agreement.

2. Discuss/consider Town Council Boards and Committee Assignments for 2023
(Continued from the February 1, 2023 meeting)

Town Clerk Gardner presented the staff report. She answered questions from the Council

Mayor Cutrano asked the Council if they would like to make changes to his or her assignments.

Councilmember Ackerman stated "no" but he was willing to give up his alternate position on TAM.

Councilmember Hellman stated she stepped down from the Climate Action Committee (CAC). The Housing Element Outreach Subcommittee and the MCCMC Economic Recovery Ad Hoc Subcommittee should be eliminated. She would be interested in sitting on the MCCMC Homeless Subcommittee and serving as delegate to the Association of Bay Area Governments (ABAG).

Vice Mayor Coler stated she is good with what she has but would like to be the alternate to the Ross Valley Fire Board. She suggested Councilmember Hellman take on the Yellow School Bus JEPa assignment.

Councilmember Blash stated she would like to be the ABAG delegate or the alternate, serve on the MCCMC Homeless Committee, the Measure A Parks Committee, the Ross Valley Paramedic Authority (RVPA) Board, the Safe Routes to Schools Task Force, the Zero Waste Committee, the Pedestrian Trails Ad Hoc Subcommittee, alternate to the Transportation Authority of Marin (TAM), and the Ross Valley School Board liaison alternate.

Councilmember Ackerman stated he was willing to give up the alternate position on TAM.

Mayor Cutrano stated he is serving as the alternate to the Marin Emergency Radio Authority (MERA). He would like to transition as the representative to the Fire Board.

Councilmember Hellman stated she would take over as the ABAG delegate, representative on the MCCMC Homeless Subcommittee, Ross Valley School Bus JEPa.

Mayor Cutrano opened the meeting to public comments.

Mark Bell, Fairfax, stated the Racial Equity and Social Justice (RESJ) Committee should be removed from the Town Website.

Michael Mackintosh appreciated that the Councilmembers served on other committees but asked that they prioritize the Town's needs.

Phillip Salaverry, Fairfax, agreed with the previous speaker.

Lisa Sirabella, Olema Road, suggested having two Councilmembers with opposing viewpoints on the Rent Control and Just Cause Eviction ad hoc subcommittee.

Town Attorney Coleson noted that the subcommittee had sunsetted with the adoption of the ordinances.

Mallory Geitheim agreed with the comments made by Michael Mackintosh.

Liz Froneberger agreed with the need to prioritize.

Tony Gardner supported Councilmember Blash for the MCCMC Homeless Subcommittee based on her professional background.

Kathy Flores read a letter she had sent to the Council prior to the meeting.

Georgia Gibbs supported Councilmember Blash as the Chamber of Commerce liaison.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Blash, Motion to approve the changes in appointments as follows:

Mayor Cutrano will serve as the representative to the Ross Valley Fire Department Board; Vice Mayor Coler will serve as the RVFD Board alternate; Councilmember Hellman will serve as the ABAG delegate, the Yellow School Bus JEPa representative; Councilmember Blash will serve as the TAM alternate, the ABAG delegate alternate, Marin Wildfire Prevention Authority (MWPA) alternate, the MCCMC Homeless Subcommittee, Council representative to the Affordable Housing Committee, Measure A Parks Subcommittee, the RVPA, Ross Valley School Board liaison alternate, Safe Routes to School Task Force, Zero Waste Committee. The following will be eliminated: the Rent Control/Just Cause Ad Hoc Subcommittee, the DEI Ad Hoc Subcommittee, the Housing Element Outreach/Communications Ad Hoc Subcommittee, the Neighborhood Safety Liaison, and the MCCMC Economic Recovery Ad Hoc Subcommittee.

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

2. Adopt Resolution Authorizing the Town Manager to Execute an Amended and Restated Agreement with 4Leaf Inc. for Contract Planner Services (continued from February 1, 2023 meeting)

Town Manager Abrams presented the staff report. She answered questions from the Council regarding how long it would take to get the contract finalized; when the individual could start; how they will deal with the lack of a Planning Director; the cost and tasks; if the individual would provide oversight of the department and attend Planning Commission meetings; the timeline for hiring a permanent solution; engagement with the Housing Element consultants; costs for travel time.

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh discussed the Housing Element Update process and using his property to satisfy the RHNA numbers.

Sierra Salin stated he was concerned about the cost and having someone from outside the community work on the Housing Element.

Michael Sexton, organizer of Fairfax Residents, stated the focus of the consultant should be on the Housing Element and not the Rent Stabilization Ordinances.

Philip Salaverry, Fairfax, asked that no money be spent on the consultant for implementation of the Rent Control Stabilization ordinances.

Norma Neal, Fairfax, stated anything related to the Rent Stabilization Ordinances should be removed from the contract.

Candace, Fairfax, was concerned about the lack of staff and need to focus on the basics. She agreed with the previous speaker.

Mark Bell was concerned about how money was being spent.

Frank Egger, Meadow Way, was concerned with hiring consultants who do not know Fairfax.

Liz Froneberger agreed with comments made by Norma Neal and Michael Sexton.

Lisa Sirabella, Olema Road, agreed that the Rent Stabilization Ordinances should be excluded from the scope of work.

Kay asked about the timeline for the public comment period for the Housing Element Update.

Mallory Geithem agreed with the previous comments.

Michele DiGregorio discussed the Rent Stabilization ordinances.

Karen Stern was concerned about missing the Housing Element deadline and filling the Planning Director position.

Raymond Burgarella stated the Housing Element was the top priority.

Naomi Alessandra, Fairfax, stated the needs of the Town included finding a Planning Director and working on the Housing Element, but there were other important issues as well.

Georgia Gibbs agreed with many of the previous comments about focusing on the Housing Element.

Chris P. stated the Town is short-staffed and he sympathized.

Claire Armitage suggested the Council prioritize mandatory projects over aspirational projects and supported removing the Rent Stabilization Ordinance work from the contract scope.

Mayor Cutrano closed the meeting to public comments.

Interim Planning Director Woltering stated the scope showed a range of projects, and that the consultant would review the ordinances for familiarity, but the focus would be on the Housing Element.

The Council reached consensus on the need to prioritize the Housing Element and to pause the implementation of the Rent Stabilization ordinances until after the workshop.

M/S, Ackerman/Hellman, Motion to Adopt a Resolution Authorizing the Town Manager to Execute an Amended and Restated Agreement with 4Leaf Inc. for Contract Planner Services.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

The meeting was adjourned at 10:20 p.m.