

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

Special Meeting at 6:00 p.m. to Conduct an Interview

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

0.10 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
David Woltering, Interim Planning Director
Loren Umbertis, Public Works Director
Sean Youra, Climate Action Coordinator

1.12 Approval of Agenda

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

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

1.50 Land Acknowledgement

3.25 State of the Town

Mayor Cutrano presented a statement regarding "where they have been and where they are going".

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

24.22 Announcements

Mayor Cutrano made the announcements as they appeared on the agenda. Councilmember Hellman announced National Gun Violence Survivor Awareness Week is February 1st through the 7th. The Marin Chapter of Moms Demand Action for Gun Sense in America is hosting a Blood Drive.

26.00 Open Time

Michael Ardito, Open Space Committee, gave details about the Film Night.

Michael Macintosh stated the items discussed by Mayor Cutrano were doable. He was concerned about the number of Consent Calendar items.

Liz Froneberger was concerned about development of the Wall property.

Joe McGarry displayed a useful, reusable cup that would help eliminate single use paper cups. He discussed the fentanyl crisis

Sierra Salin stated nothing should be taken for granted including trees, fires, and floods. There is not enough supply of electricity.

Frank Egger, Meadow Way, discussed the Independent Journal article about keeping 200 Bolinas Road affordable. He was concerned about the number of items on the Consent Calendar.

Mark Bell opposed cutting Zoom public testimony from two minutes to one minute. This is a violation of resident's civil rights.

Mallory Geithheim stated two minutes is not enough time for public testimony. She is concerned about the homeless encampments.

Christopher Lang, representing Velo Club Fairfax, stated his "Broadway Proposal" calls for more crosswalks and bike lanes on Broadway.

Doug was concerned that the Council does not listen to the residents.

Wendy stated there are a lot of people who do not feel safe speaking at meetings.

An individual wondered if it would be a good idea to suspend the meeting given the technical difficulties.

Debra Benson opposed the proposed change to all-electric due to environmental concerns- it is not as green as it appear so be. She stated important issues should be decided with more community input.

Kirsten agreed with the concern about development of the Wall Property. She was concerned about the number of items on the Consent Calendar and the homeless encampment in the park.

Kathy Flores stated individuals giving public testimony should be required to state the city/town where they reside. She was concerned about development on the Wall Property and the homeless encampments.

Danny Brigman stated it is difficult to navigate this meeting on Zoom and people might not be able to get his or her voice heard.

Michael Ghiringhelli stated property rights are under attack by the Council.

Richard Applebaum, Fairfax, stated he does not agree with the narrative that the Council has gone rouge.

Norm Anderson stated the speed limit on Sir Francis Drake Boulevard, from Oak Manor to Glen Drive, should be lowered

Jane Richardson Mack stated the Town should have stayed on top of the Wall Property. There are too many items on the agenda. She is concerned about the homeless encampments.

Phillip Salaveri was concerned about the technical issues. The homeless situation at the park and the Pavilion need to be dealt with.

Lisa Bella, Fairfax, stated putting an important issue on the agenda as item #26 is very disturbing. It should be at the beginning of the agenda.

Chris thanked the Council for their time. The dissention in Town is sad.

Ryan O'Neal, Fairfax, asked the Council to do the right thing and listen to residents.

1.36.25 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

Councilmember Coler wanted to pull item #18 for discussion. She commented on items #7, #8, #15, #16, #22, and #23.

Councilmember Hellman had a question about item #6.

Councilmember Blash commented on item #17 and had a question about item #11.

Mayor Cutrano had a question about item #10.

Mayor Cutrano opened the meeting to public comments.

Michael Macintosh referred to item #17 and asked about the two meetings with HCD. He had questions about housing at the Marin Town and Country Club.

Sierra Salin referred to item #9 and stated he did not like hearing things on the sidewalk. He was opposed to privatizing public spaces with parklets.

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

Mallory Geithheim, Fairfax, stated some of the parklets create a dangerous situation. She opposed amplified music in the parklets.

Frank Egger, Fairfax, referred to item #2 and asked why the payment to EMC Consulting was not included. He asked why the homeless are allowed to take over the entrance to the Pavilion and the children's park.

Todd Greenberg, Fairfax, referred to item #3 and stated the Council is being fiscally irresponsible. He discussed the fiscal impact of deed restricted affordable housing.

Jack Judkins, Co-Chair of the Open Space Committee, referred to item #17 and stated the Wall Property should be an open space priority.

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

An individual stated he was opposed to music in the parklets.

Niccolo discussed the problem with false information and alternative facts. He asked everyone to chill out. There is a complexity to the RHNA numbers.

Lisa Steward, Olema Road, stated the goal should be to decrease Property Taxes in Fairfax. She acknowledged Black History Month and encouraged everyone to help raise race conscious children.

Emily stated she did not support tax dollars going to 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 Martin, Fairfax, asked why the Council does not respond to resident's comments.

Joe McGarry thanked the Council for 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 which is pulled for discussion and placed at the end of the agenda.

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

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

Regular Agenda

2.32.15 26. Discuss/consider Residents' Petition submitted per Town Code regarding

Ordinance Nos 870 and 871, and direct staff as appropriate

Claire Armitage, Fairfax, discussed the petition.

Mayor Cutrano opened the meeting to public comments.

Mr. Burke, Graham Irwin, Michael Sexton, Norma Neal, Jessica Greene, Milan Michette, Kelly Medina, Kelly London, Dave Smadback, Dave Barraco, Michael Macintosh, Debra London, Phillip, Daniel Duffy, Todd Greenberg, Mallory Geithheim, Liz Sherader, Karen Arnold, Joan Burgerella, Jason Sanders, Kate Smith, John Reed, Jo Carson, Sammy, Karen Stern, Kirsten, Lisa Cirabella, Kay, Liz Froneberger, Matt Prezone, Georgia Gibbs, and K. spoke in opposition to the ordinances. Many asked the Council to put the issue to a vote of Fairfax residents.

M/S, Coler/Hellman, Motion to continue item #18 and #27 to the February 15th meeting.
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

Susan Adams, Susan Malloy, Philip Feffer, Ava, Karen Arnold, Ellen Bell, Megan Feffer, Lucy Hollingsworth, Jack Buckhorn, and Kurt Reese spoke in support of the ordinances

Mayor Cutrano closed the Public Hearing.

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

Councilmember Ackerman stated they are not ready to discuss any of the details now even though he has one idea.

Mayor Cutrano stated they need to hold a stand-alone meeting in order to accomplish anything. He was looking at the month of March.

Vice Mayor Coler recommended holding an interactive Community Workshop.

Councilmember Hellman stated they need to explore a safe, anonymous way for renters to express themselves in a public setting.

Mayor Cutrano asked Vice Mayor Coler to meet with him on the format for a Community Workshop.

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

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

6.50.20 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. Staff answered questions from the Council regarding whether this proposal pertains to investigation resources only; the issue of timing; the use of other agencies and shared services; the source of funding.

Mayor Cutrano opened the Public Hearing.

Michael Macintosh stated the residents of Fairfax should be grateful for its 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 stated this proposal is not fiscally responsible.

Ava stated there is no reason for the Council to make a decision on this proposal at 2:20 a.m. People cannot participate.

Wendy stated she has issues with the Sheriff's Department and policing.

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

7.29.35 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.

7.29.36 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.

7.29.37 Council Reports and Comments

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

7.29.38 Future Agenda Items

There were none.

M/S, Coler/Ackerman, Motion to adjourn the meeting at 2:30 a.m.

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