

Fairfax Town Council Minutes
Special and Regular Meetings
Women's Club, 46 Park Road, Fairfax and via teleconference
Wednesday, **June 7, 2023**

Mayor Cutrano called the **Special Meeting** to order at 5:45 p.m. to Conduct Interviews and Make Appointments.

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
Christine Foster, Deputy Town Clerk

Approval of Agenda

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

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

1. Interview and consider appointment of applicants to the Community Emergency Preparedness Committee and the Climate Action Committee; and appoint a Council liaison to the Community Emergency Preparedness Committee

The Council interviewed candidates for appointment to the Community Emergency Preparedness Committee and the Climate Action Committee.

M/s Coler/Hellman to appoint Liz Gottlieb to the Climate Action Committee for a full term.

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

M/s Coler/Ackerman to appoint Jeremy Nieuwenhuijs to the Community Emergency Preparedness Committee as an At-large member for a full term.

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

M/s Coler/Hellman to appoint Mayor Chance Cutrano as the Town Council liaison to the Community Emergency Preparedness Committee for a full term.

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

Mayor Cutrano called the **Regular 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
Christine Foster, Deputy Town Clerk
Janet Coleson, Town Attorney
Loren Umbertis, Public Works Director

Approval of Agenda

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

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

Announcement of Closed Session Action (from May 30, 2030)

Mayor Cutrano announced there was no reportable action.

Presentations

1. Marin Wildfire Prevention Authority (MWPA)

Town Manager Abrams presented a staff report.

MWPA Executive Officer Mark Brown gave a PowerPoint presentation. He answered questions from the Council regarding the “house-out” approach; eligibility for the Grant Programs; what is covered by the Grant Programs; the impacts from the winter rains and subsequent vegetation; the low-income senior tax exemption; evacuation planning; defensible space matching grants.

Mayor Cutrano opened the meeting to public comments.

Frank Egger recommended highly visible signage for evacuations during the night or in heavy smoke.

Christopher Lang, Canyon Road, suggested evacuation routes have bike lanes.

Todd Greenberg was concerned about brush removal and the ban on gas powered equipment.

Kelley London, Fairfax, stated it was not possible to clear his property without using gas-powered tools.

Michael Mackintosh stated the Marin Town and Country Club was the only place for safety egress. He agreed with the previous two speakers.

Mark Bell, Fairfax, stated Bolinas Road past Deer Park Villa was in great need of repair.

Richard Applebaum stated fire professionals advise people to stay in cars during an evacuation. He agreed with the comments about the need for gas-powered equipment.

Rose Taber stated she was opposed to the rent control and just cause evictions ordinances, which have forced her to move out of town because she can no longer rent out rooms.

Eva stated allowing more density in the downtown would solve the problem of clearing brush around houses.

Mayor Cutrano closed the meeting to public comments.

Executive Officer Brown responded to questions.

The Council thanked Executive Officer Brown for the outstanding work done by the MWPA.

2. Marin Transit

Robert Betts, Director of Operations and Service Development, gave a PowerPoint presentation. He answered questions from the Council regarding impacts from the removal of Route 23 X; "Dial a Ride"; volunteer driver program; digital vouchers from Uber.

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh opposed subsidizing Uber or other corporations with tax dollars.

Mallory Geitheim asked if the buses operate in the event of a fire.

Eva agreed with Michael Mackintosh.

Mayor Cutrano closed the meeting to public comments.

The Council thanked Director Betts for the presentation.

Proclamation for Gun Violence Awareness

Mayor Cutrano read the Proclamation for Gun Violence Awareness.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg, Joe McGarry, Michael Mackintosh, Mallory Geitheim, Ave, and Sierra Salin supported the Proclamation.

Mayor Cutrano closed the meeting to public comments.

Proclamation for LGBTQ+ Pride Month

Mayor Cutrano read the Proclamation for LGBTQ+ Pride Month.

Mayor Cutrano opened the meeting to public comments.

Chris Lang, Mark Bell, Wendy, Eva, Brenna Gubbins, Sierra Salin, Chris P., Deborah Benson, and Kathy Flores supported the Proclamation.

Todd Greenberg was concerned about the cost of the rainbow flags and painting the crosswalk.

Mayor Cutrano closed the meeting to public comments.

Mayor Cutrano asked staff to explore reinstalling a council meeting sign in Peri Park in response to questions about it.

Open Time

Michael Mackintosh disagreed with the time limits for public comments and anticipated the submission of an initiative petition.

Chris Lang discussed a mural project he was preparing.

Mark Bell discussed the time limit for public comments and the consent calendar.

Michael Sexton, Todd Greenberg, Candace Ricker, Deborah London, and Philip Salaverry thanked all the volunteers who worked on the initiative petition that they planned to submit.

Baran Tuol discussed his concerns with the Berkeley Rent Board. He asked the Council to look at the data and facts.

Nancy Privett was concerned about proposed housing and the Wildland Urban Interface (WUI) , overriding agreements, laws, lack of affordability, and short term rental units being removed from the regular rental market.

Mallory Geitheim stated the limit for public comment was too short. She agreed with the comments made earlier by Rose Taber.

Frank Egger, Meadow Way, was concerned that the way the agenda listed closed sessions and the consent calendar did not comply with the Brown Act.

Joe McGarry spoke in support of the DSA.

Chad Plummer stated that Bolinas Road was a safety hazard due to the pavement quality. He requested the Council prioritize it.

Catherine Ritter, Larkspur and a volunteer with the Fairfax Climate Action Committee, supported carbon neutrality and decarbonization goals for Fairfax.

Deborah Benson did not feel represented by the Council. She asked that the monthly financial reports include individual credit card expenditures.

Jody Timms, Chair of the Climate Action Committee, discussed decreasing consumption and upcoming committee activities.

Eva discussed fires, pollution, and climate change, noting Fairfax was connected to the rest of the Bay Area.

Sierra Salin supported carbon neutrality and suggested we all stop consuming.

Janet Garvin, Porteous Avenue, thanked the Fairfax Police Department for answering the telephone 24/7, and discussed her recent experience.

Chris Perrando discussed the democratic socialist movement.

Coby Friedman asked the Council to repeal the rent ordinance and put it to a vote..

The Council took a 10-minute break at 9:05 p.m.

Regular Agenda

5. Conduct Public Hearing for Fiscal Year 2023/24 Proposed Operating and Capital

Improvement Budget and provide direction to staff

Finance Director Vivrette and Town Manager Abrams presented the staff report and gave a PowerPoint presentation, with Public Works Director Umbertis presenting the Capital Improvements detail. Staff answered questions from the Council regarding the increase in the Police Department Budget; amount in the Open Space Fund; the amount the expiring bonds for street improvements initially raised; refinancing those bonds; repairs/repaving of Bolinas Road and Sir Francis Drake Boulevard; the “Coffee with a Cop” Program; deadline for spending ARPA Funds; mapping of storm water drains; sending two mailers per years as touch points with the community.

Mayor Cutrano opened the public hearing.

Frank Egger, Meadow Way, stated Bolinas Road is in the Federal Secondary Roadway System and would qualify for funding through the Coastal Conservancy.

Michael Mackintosh stated the Town should present a summary of the current bonds before continuing them.

Candace Ricker, Fairfax, asked about property tax’s percentage of source of revenues.

Todd Greenberg agreed with Michael Mackintosh and asked the Town to explain percentages. He discussed the need for PG&E to replace the gas main downtown in coordination with the water and sewer line replacements.

Joe McGarry discussed the increase in the Police Department budget, and questioned what it was based on, when statistics showed the real work was dropping.

Mark Bell questioned the cost of the Pavilion kitchen project and raises for Town employees.

Philip Salaverry stated when rent control was implemented units were removed from the market.

Deborah Benson stated the developers of Victory Village and of the detention basin in the west of Town should be held responsible for repairs to Sir Francis Drake Boulevard.

PJ Feffer stated the potential costs for implementation of the Rent Control and Just Cause Eviction Ordinances could be mitigated by countywide cooperation.

Mallory Geitheim was concerned about money spent on consultants.

Coby Friedman asked for more detailed financial statements.

Mayor Cutrano closed the public hearing.

M/S, Coler/Ackerman, Motion to waive the 10:00 p.m. rule.

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

6. Adopt a Resolution Approving the Inclusionary Housing and Commercial Linkage Studies and Direct staff to bring an Inclusionary Housing Ordinance and Housing Impact Fee Ordinance for Consideration

Contract Planner Hortert presented the staff report and a PowerPoint presentation. Staff answered questions from the Council regarding whether the Council is simply approving the studies tonight; the definition of “inclusionary zoning” or “inclusionary housing”; if a non-profit organization would administer the inclusionary housing; if different conclusions for the recommendations are an option;

the meaning of “affordability” targets; what other jurisdictions have done in terms of percentages and unit thresholds.

Mayor Cutrano opened the public hearing.

Todd Greenberg opposed the fees.

Mark Bell stated a dollar figure should be assigned to “low income”, “moderate income”, etc.

Michael Mackintosh stated the fees were too high, and suggested alternatives.

Riley Hurd, land use attorney, supported an in-lieu fee option.

Mallory Geitheim asked about the cost of affordable housing vs. non-affordable housing.

PJ Feffer supported the resolution.

Liz Froneberger asked about the unit count” and who would be included.

Mayor Cutrano closed the public hearing.

M/S, Coler/Blash, Motion to adopt the Resolution Approving the Inclusionary Housing and Commercial Linkage Studies and Direct Staff to bring an Inclusionary Housing Ordinance and Housing Impact Fee Ordinance for Consideration.

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

M/S, Coler/Blash, Motion to waive the 11:30 p.m. rule.

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

7. Receive report, discuss options, provide direction to staff following workshop on Just Cause Evictions

Town Manager Abrams presented a report. Judi Brown, workshop facilitator, gave a PowerPoint presentation. She answered a question from the Council regarding if the survey included a breakdown of homeowners who are not landlords.

Mayor Cutrano opened the Public Hearing.

Todd Greenberg stated the workshop was poorly conducted.

Candace Ricker was impressed with the report, but noted there were issues with the workshop.

Michael Mackintosh stated the report was good but he had concerns about the workshop.

Wendy stated the workshop was not safe for tenants, and not productive.

Joe McGarry stated there were issues with the workshop, including a hostile environment, but there was consensus on some provisions.

Mark Bell was concerned about the workshop’s technical difficulties and the 1-minute speaker limit.

Dave Barranco stated his concern that the ordinances were too difficult to understand without paying an attorney.

Susan Malloy stated her concern that the situation had become toxic, and suggested mediation.

Mallory Geitheim agreed that the situation had become toxic.

Michael Sexton discredited the report and was opposed to the ordinances.

Sierra Salin agreed with the comments of Todd Greenberg, Michael Mackintosh, Michael Sexton, and Candace.

Philip stated the workshop was not managed well.

Liz Froneberger stated the workshop was not handled well and the report did not include anything new.

Skylar Collins stated the workshop had many issues, but he heard consensus on many items.

Chris P. was concerned that some speakers seemed to want complete control.

PJ Feffer agreed with the comments made by Wendy and Joe.

Naomi stated she would have preferred the workshop to continue until 3:00 p.m. so that all attendees could speak. She suggested an online tool to calculate rent increases.

Jody Timms supported Options #2, #3, #4, and a Council subcommittee to work on amendments.

Mayor Cutrano closed the Public Hearing.

The Council discussed the matter and reached consensus to hold a Special Meeting.

M/S, Hellman/Coler, Motion to continue item #8 to the regular July meeting and proceed with item #9.

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

8. Adopt a Resolution Approving a Sidewalk Pilot Program; Authorize Town Manager to pay up to \$170,000 to a contractor to shave or grind trip hazards on the identified sidewalks one time only in FY 23/24; and increase the sidewalk replacement/repairs grant maximum from \$1,000 to \$2,000 per property owner

Mayor Cutrano stated this item was continued to the regular July meeting.

9. Introduce Ordinance Adding Section 2.65 to Title 2 of the Fairfax Municipal Code Authorizing the Use of Electronic Signatures

Town Attorney Coleson presented the staff report. She answered a question from the Council regarding the reason for the ordinance.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg asked about the legal implications of an electronic signature.

Mayor Cutrano closed the Public Hearing.

M/S, Coler/Hellman, Motion to Introduce Ordinance Adding Section 2.65 to Title 2 of the Fairfax Municipal Code Authorizing the Use of Electronic Signatures for Town records.

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

10. This item is continued to July 12, 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 July 12, 2023 Council meeting.

Consent Calendar

11. Receive Financial Statement and Disbursement Reports for April, 2023- Finance Director
12. Approve Minutes for March 2023 Town Council meetings- Town Clerk
13. Receive written report on Councilmembers' assignments, committees, and activities in May, 2023- Town Clerk
14. Reappoint Brett Kelly to a full term on the Planning Commission- Town Clerk
15. Adopt a Resolution Authorizing Execution of a Three-Year Cooperative Agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME Programs- Town Manager
16. Receive Annual Report by Marin Sanitary Service for Solid Waste Services for 2022- Town Manager
17. Appoint the Town Manager to the Board of the Hazardous and Solid Waste Joint Powers Agreement County of Marin ("Zero Waste Marin")- Town Manager
18. Approve the First Amendment to the Amended and Restated Consultant Services Agreement with 4Leaf, Inc. to extend the term of the agreement to December 31, 2023- Town Manager
19. Adopt five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2023/24- Finance Director
 - a. Resolution Setting the Amount of \$210 for the Special Municipal Services Tax for Fiscal Year 2023/24
 - b. Resolution Setting the Utility Users' Tax Rate of 4% for Fiscal Year 2023/24
 - c. Resolution Setting the Pension Tax Rate of \$.091 per \$100 of assessed valuation to Support Fairfax Pension Obligation for Fiscal Year 2023/24
 - d. Resolution Setting a Fee of \$15 per run-off unit for the Purpose of Funding Local Stormwater Pollution Prevention Activities for Fiscal Year 2023/24
 - e. Resolution Setting the Tax Rate of \$.00225 per Assessed Valuation for the General Obligation Bonds (Measure K Bond Assessment)
20. Adopt a Resolution Confirming and Levying the Ross Valley Paramedic Authority (RVPA) Tax in the amount of \$94.50 for Fiscal Year 2023/24- Finance Director
21. Adopt a Resolution Continuing Expenditure and Revenues in Accordance with the FY 2022/23 Town Budget and Continuing the FY 2023/24 Town Budget Adoption- Town

Manager

22. Receive Treasurer's Report for first quarter ending March 31, 2023- Town Treasurer
23. Receive Public Works Projects and Programs Status Update- Public Works Director
24. Second Reading and adoption of Ordinance Amending Town Code Section 2.12.070(B)(3) to Amend the requirement for Town Council Ratification of Appointment, Removal, or Demotion of Department Heads by the Town Manager and Finding the Action Exempt from CEQA- Town Manager

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh made comments on items #13, #16, and #19.

Todd Greenberg asked to pull items #15, #19, #23, and #24.

Candace Ricker stated other jurisdictions had fewer items on the Consent Calendar. She had questions about several items, such as #18 and #24.

Mallory Geitheim agreed with the previous two speakers.

Michael Sexton agreed with the previous three speakers.

Frank Egger was opposed to item #24.

Mayor Cutrano closed the meeting to public comments.

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

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

Council Reports and Comments

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

Town Manager Report

There was no report.

Future Agenda Items

There were none.

The meeting was adjourned at 12:43 a.m. in memory of Rita Burrafato, Claudette Rhae Myatt Greenblatt, and Rick Levine.