

Fairfax Town Council Minutes  
Regular Meeting and Special Meetings  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
**Wednesday, July 12, 2023**

Mayor Cutrano called the **Special Meeting** to order at 6:15 p.m. to Conduct Interviews and Make Appointments.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Lisel Blash  
Barbara Coler  
Chance Cutrano

**COUNCILMEMBERS ABSENT:** Stephanie Hellman

**STAFF MEMBERS PRESENT:** Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Christine Foster, Deputy Town Clerk

1. Interview and consider appointment of applicant to the Community Emergency Preparedness Committee

The Council interviewed Christine Aralia.

Jody Timms, Cascade Drive, supported the appointment.

M/s Coler/Cutrano to appoint Christine Aralia to the Community Emergency Preparedness Committee At-large position for a full 3-year term.

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

ABSENT: Hellman

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

**COUNCILMEMBERS ABSENT:** Stephanie Hellman

**STAFF MEMBERS PRESENT:** Heather Abrams, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Mark Lockaby, Building Inspector  
Christine Foster, Deputy Town Clerk  
Loren Umbertis, Public Works Director

## Approval of Agenda

M/S, Coler/Ackerman, Motion to approve the agenda, noting that the Marin Clean Energy Presentation would not occur.

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

ABSENT: Hellman

## Announcement of Closed Session Action

Mayor Cutrano stated there was no reportable action from the June 28, 2023 Closed Session.

## Presentations

### 1. Marin Clean Energy (MCE)

Mayor Cutrano stated this presentation would not occur.

## Open Time

Jody Timms, Climate Action Committee Chair, reported on the activities of the Climate Action Committee.

Hillary Whitman, Spruce Road, read a statement from Susie Bergen regarding Fairfax Lumber's lack of compliance with Town Codes.

John Fitzpatrick, Napa Street, requested a stop sign at the corner of Dominga Avenue and Napa Street.

Mark Bell, Fairfax, was concerned the time limit for public comment and the number of Consent Calendar items did not comply with the Brown Act.

Michael Mackintosh requested the Town clean up its property on Forrest Avenue near the Marin Town and Country Club property.

Joe McGarry, Fairfax resident, mourned the passing of one of his co-workers, Efrain Raina.

Todd Greenberg was concerned about closed session reports and electric tool requirements.

Kay supported ebike use but had safety concerns.

Kristin Amlie, Representative to the Commission on Aging, gave a report on Commission activities.

## Regular Agenda

### 2. Introduce Ordinance Adding Chapter 15.17 "Gate Safeguards" to Title 15 "Buildings and Construction" of the Fairfax Municipal Code

Building Official Lockaby presented a staff report and answered questions from the Council regarding moving the enactment date from July 1, 2025 to January 1, 2024; adequacy of standards; location of existing gates; if compliance is voluntary; if staff could perform an informal "survey"; timeline for implementation; process for retrofitting; if retrofitting/replacement would require a Building Permit; if the standard related to the height of the gate; and costs.

Mayor Cutrano opened the meeting to public comments.

Rick Hamer discussed the standards and noted there were various types of gates.

Eric Von Beck, whose son was tragically killed but a rolling gate, stated these gates were everywhere. Retrofitting a gate would cost approximately \$50 for the part and one hour of labor. He thanked the Council for their consideration.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Ackerman, Motion to Introduce, waive first reading, and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Chapter 15.17 "Gate Safeguards" to Title 15 "Buildings and Construction" of the Fairfax Municipal Code, with a change to Section 15.17.060 changing the date for existing gates from July 1, 2025 to January 1, 2024.

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

ABSENT: Hellman

3. Adopt a Resolution Authorizing the Town Manager to Issue a Notice of Award and Execute a Contract with Ghilotti Bros for the 2022/2023 Street Improvement Project for 1) The Base Bid only or; 2) The Base Bid with any of the Alternates 1-3; or 3) Reject all Bids

Public Works Director Umbertis presented the staff report and a PowerPoint presentation. Staff answered questions from the Council regarding the construction work planned for Porteous Avenue and if this project could be removed from this bid package; the types of vehicles these designs take into account; when staff could prepare and present a comprehensive look at all the roads along with a triage plan; how these three roads were chosen; staff's estimated costs for each of the three roads; if there were guarantees that new construction developers will fix the road after construction; if this is the last opportunity to work on pavement projects this calendar year; the seasonality of this type of work; if they receive bids from companies other than the Ghilottis; pavement management over the next 5 to 10 years.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg had a number of requests and suggestions.

Mark Bell suggested coordination with other agencies.

Michael Mackintosh made several suggestions.

Mayor Cutrano closed the meeting to public comments.

M/S, Coler/Blash, Motion to Adopt a Resolution Authorizing the Town Manager to Issue a Notice of Award and Execute a Contract with Ghilotti Bros for the 2022/2023 Street Improvement Project for the Base Bid only.

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

ABSENT: Hellman

4. Adopt a Resolution Approving a Sidewalk Pilot Program to Improve Town Sidewalks and to Assist Homeowners with their Responsibility to Maintain Sidewalks in a safe Condition, and Authorize the 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 grant maximum for sidewalk replacement/repairs from \$1,000 to \$2,000 per property owner and waive associated permit fees up to \$293 per property owner

Public Works Director Umbertis presented a report and a PowerPoint presentation. Staff answered a question from the Council regarding the ability to opt-out; the logistics of the work; property owner responsibility; if the Town has specifications for what a sidewalk should look like when it is replaced; how re-texturing plays into the work being proposed.

Joe, from PEI, Inc., discussed the design.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg suggested there be a standard material for all sidewalks.

Mark Bell stated shaved pavement was slippery unless re-textured.

Michael Mackintosh was concerned about the Town's liability.

Frank Egger stated exposed aggregate sidewalks should be installed downtown.

Mayor Cutrano closed the Public Hearing.

M/S, Blash/Coler, Motion to Adopt a Resolution Approving a Sidewalk Pilot Program to Improve Town Sidewalks and to Assist Homeowners with their Responsibility to Maintain Sidewalks in a safe Condition, and Authorize the 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 grant maximum for sidewalk replacement/repairs from \$1,000 to \$2,000 per property owner and waive associated permit fees up to \$293 per property owner.

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

ABSENT: Hellman

The Council took a 10-minute break at 9:15 p.m.

5. Adopt a Resolution Authorizing the Display of American Flags and/or Depictions of Veterans during the month of November 2023; authorize use of staff time to place flags

Town Manager Abrams presented the staff report. There were no questions from the Council.

Mayor Cutrano opened the Public Hearing.

Todd Greenberg was concerned that Veterans Day falls in a rainy month and flags will get wet.

Michael Mackintosh supported the resolution.

Mark Bell stated the flags should be flown on Memorial Day and July Fourth instead.

Mayor Cutrano closed the Public Hearing.

M/S, Cutrano/Coler, Motion to Adopt a Resolution Authorizing the Display of American Flags and/or Depictions of Veterans during the month of November 2023 and authorize use of staff time to place flags.

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

ABSENT: Hellman

6. This item is continued to August 2, 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 August 2, 2023 Council meeting.

Consent Calendar

7. Receive Financial Statement and Disbursement Reports for May, 2023- Finance Director
8. Approve Minutes for April 5, 2023 Town Council meetings- Town Clerk
9. Receive written report on Councilmembers' assignments, committees, and activities in June, 2023- Deputy Town Clerk
10. Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2023, through June 30, 2024, and Providing the Appropriations of Expenditures In Said Budgets and Repealing All Resolutions in Conflict Herewith- Town Manager and Finance Director
11. Adopt Resolution Amending the Annual Salary Schedule for Fiscal Year 2023/24 to reflect Salary Range Adjustments Effective July 1, 2023 for all positions, and showing new base salaries changed by labor agreements- Town Manager, Finance Director
12. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year 2023/24- Finance Director
13. Second Reading by title only and Adoption of an Ordinance Adding Section 2.65 to Title 2 of the Fairfax Municipal Code Authorizing the Use of Electronic Signatures- Town Clerk
14. Decline Ross Valley School District Offer to Purchase Childrens Center Property APN 197-120-03- Town Manager
15. Designate the Voting Delegate and Two Alternates for the California League of Cities 2023 Annual Conference- Town Manager
16. Adopt Resolution authorizing Town Manager to execute contracts with CSW/ST2 and BKF Engineers to develop Construction Documents and Specifications for multiple Storm Drain Improvements Projects in Fairfax- Town Manager
17. Approve Responses to the 2023-2024 Marin County Civil Grand Jury Report entitled *Build More AUDs- an Rx to Increasing Marin's Housing Supply*- Town Manager

Mayor Cutrano opened the meeting to public comments.

Michael Mackintosh asked for the removal of item #16 for discussion; he was concerned about his section of the creek.

Frank Egger commented on item #10, and asked why the short-term rental program didn't result in the collection of more Hotel User Tax.

Mark Bell had a question about item #7 and item #16.

Todd Greenberg commented on items #10, #11, #16, and #17 and asked they be pulled.

David Barranco agreed with the previous speaker's comment on item #17 being inaccurate.

Joe McGarry commented on item #10.

Mike Ghiringhelli was concerned about item #10 and asked to pull item #17.

Mayor Cutrano closed the meeting to public comments.

Mayor Cutrano referred to item #17 and asked if the Findings needed to be responded to in the same way as the Recommendations. It should also be noted that some issues were being addressed in the Draft Housing Element.

M/S, Coler/Ackerman, motion to approve the Consent Calendar as submitted with the suggestions made by Mayor Cutrano regarding item #17.

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

ABSENT: Hellman

#### Council Reports and Comments

Mayor Cutrano stated 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 10:37 p.m. in memory of Gerald "Gerry" Louis Pelletier, Alan M. Tokugawa, Rick Levine, and Efrain Raina.