

DRAFT

Fairfax Town Council Minutes  
Regular and Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via Zoom  
Wednesday,  
September 6, 2023

Mayor Cutrano called the Regular and Special meetings 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  
Janet Coleson, Town Attorney  
Christine Foster, Deputy Town Clerk  
Jeff Beiswenger, Planning Director  
Sean Youra, Climate Action Coordinator

Approval of Agenda

Mayor Cutrano stated he would like to hear the Special Meeting item after Open Time.

M/S, Coler/Hellman Motion to approve the agenda with the change recommended by Mayor Cutrano.

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

Announcement of Closed Session Action, August 29, 2023

Mayor Cutrano announced the Town Council voted unanimously to establish a subcommittee consisting of himself and Vice Mayor Coler to explore the feasibility of acquisition of the Wall property and to move forward with acquiring an appraisal and preliminary geotechnical report.

Announcements

Town Manager Abrams introduced newly hired Planning and Building Director Jeff Beiswenger.

Open Time

Jody Timms gave a report on the activities of the Climate Action Committee.

Sheila Neill McNeill discussed her need for help with a three-day eviction notice and a rent increase notice.

Pam Meigs, Ross Valley Sanitary District Board Member, discussed the district's recent ordinance regarding loans to residents to remove septic tanks.

Matt Butler, San Rafael, stated the Wall property should be used for new housing.

Philip Salaverry, Scenic Road, suggested speed bumps on Scenic Road, and stated his concerns with the campers in Peri Park.

David Caduto opposed development plans for 615 Oak Manor Drive and referenced a 1991 settlement agreement.

Krista Gellman, Oak Manor Drive, discussed historical drainage issues for neighbors of 615 Oak Manor Drive.

Rick Hamer, Bolinas Road, asked the new Planning Director for consistent code enforcement.

Michael Mackintosh supported the first speaker and asked if the rent control ordinances would help her.

Candace Ricker, Fairfax, stated over the last two weeks she had noticed a marked increase in the unhoused population in Fairfax, and was concerned about the safety of the park at night.

Frank Egger, Meadow Way, discussed the Fairfax Hills Subdivision Settlement Agreement, and suggested the minutes be reviewed by staff.

Todd Greenberg, Bolinas Road, asked the Council to address the concerns raised by previous speaker Candace Ricker.

Deborah London, Fairfax, raised concerns about the Housing Element, the Wall property, the homeless encampment, and the coyotes.

Mark Bell, Fairfax, stated the time limit on public comment violated the Brown Act.

Deborah Benson, Cascade Drive, was concerned about Councilmembers looking at their personal devices during public meetings.

### Special Meeting Agenda

1. Authorize the Mayor and Vice Mayor to negotiate and execute an agreement consisting of initial provisions and potential future amendments to the agreement with the Marin Open Space Trust (MOST) regarding the exploration of the purchase of the 100 acres commonly referred to as the Wall property

Town Manager Abrams presented the staff report.

Mayor Cutrano opened the meeting to public comments.

Susan Pascal Beran, Open Space Committee Chair, supported moving forward.

Toby Jansen Smith, Pam Meigs, Rick Hamer, Michelle Simonson, Myron Walters, Frank Egger, Mark Bell, Todd Greenberg, Candace Ricker, and Mallory Geitheim supported the proposal.

Michael Mackintosh asked for a feasibility study; he had concerns about going through MOST.

Deb London expressed concerns about the source of funds for purchasing the property, and potential landslide liability.

Philip Salaverry, agreed with the previous speaker's comments.

Mayor Cutrano closed the meeting to public comments.

M/S, Blash/Hellman, Motion to authorize the Mayor and Vice Mayor to negotiate and execute an agreement consisting of initial provisions and potential future amendments to the agreement with the Marin Open Space Trust (MOST) regarding the exploration of the purchase of the 100 acres commonly referred to as the Wall property

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

### Regular Agenda

1. Receive Marin Countywide Electric Vehicle Acceleration Strategy presentation from Christine O'Rourke, MCEP Sustainability Coordinator, and provide direction to staff on whether to develop a work plan as proposed in Appendix A of the EV Acceleration Strategy

Climate Coordinator Youra presented the staff report and County Coordinator O'Rourke gave a PowerPoint presentation. Staff answered questions from the Council regarding how to calculate single-family home chargers, and whether the Town's goal of 100% CEVs by 2030 was realistic or aspirational.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg supported lowering the 100% goal for CEVs by 2030.

Deb London opposed requiring homes to have electric chargers and opposed EVs and batteries. She asked where the power would come from.

Mark Bell, Fairfax, had concerns about the proposal, including the environmental impact of batteries and the grid's capacity.

Michael Mackintosh stated hydrogen was the preferred energy source.

Candace stated not everyone could afford to acquire an electric car and the 100% goal was not realistic. She had safety concerns.

Rick Hamer, Fairfax, stated lithium batteries were a problem; he discussed nontoxic solutions.

Mallory Geithem, Fairfax, was opposed to the proposal, citing safety concerns of batteries.

Mayor Cutrano closed the meeting to public comments.

Staff was directed to bring back more realistic ZEV targets and a workplan in collaboration with other departments for the Council to consider.

The Council took an 8-minute break at 8:31 p.m.

2. Read by Title only and adopt ordinance revising Town Code Chapters 5.54 'Just Cause Eviction' and 5.55 'Rent Stabilization Program'

Town Attorney Coleman presented the staff report. Staff answered a question from the Council regarding approval of the second reading and when the amendments would go into effect.

Mayor Cutrano opened the meeting to public comments.

Rich Hamer, Joe McGarry, Wendy, Susan Malloy, Morgan Schmidt Feng, Jody Timms, Claire Armitage, and Rainero Miranda supported the ordinance.

Todd Greenberg, Michael Sexton, Candace, Mark Bell, Philip Salaverry, Deb London, Claire Armitage, Deborah Benson, Sierra Salin, P.J. Feffer (speaking as a homeowner), Mallory Geitheim opposed the ordinance.

Yuri, Fairfax, stated the provisions regarding maximum allowance and the requirement for a mediator needed to be reworked.

Michael Mackintosh stated these laws should be set aside until after the election.

Kay stated the rent stabilization ordinance should be implemented to allow landlords due process and full rate of return.

Dave Baranco, Fairfax property owner, stated the amendments were not helpful.

Mayor Cutrano closed the meeting to public comments.

Staff responded to the questions from the public.

The Council discussed the amendments that were made.

M/S, Hellman/Blash, Motion to waive second reading and read by title only and adopt an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 5.54, "Just Cause Evictions", and 5.55, "Rent Stabilization" Program of Title 5 of the Fairfax Town Code.  
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

3. Discuss/consider Residents' Petition submitted per Town Code regarding costs associated with Ordinances No.870 and No. 871, and direct staff as appropriate

Town Manager Abrams presented a report. Staff answered questions from the Council regarding legal costs; if any consultants were hired to do work; start up and implementation costs; if there could be shared services with other jurisdictions in order to bring costs down; cyber security; if estimates can change; if other jurisdictions have experienced any data security issues.

Mayor Cutrano opened the Public Hearing.

Philip Salaverry, who submitted the petition, made a brief presentation.

Michael Sexton stated the costs should be known before imposing regulations.

Michael Mackintosh asked for transparency.

Todd Greenberg echoed the comments made by previous speaker Michael Sexton.

Mark Bell, Fairfax, was concerned about cyber security costs.

Candace was concerned that laws were passed without knowing the financial benefits or costs.

Joe McGarry noted that the Town Manager had provided an estimate of costs, and the monthly that the monthly financial statements published in the Council packet show actual expenditures.

Mallory Geithem stated people have a right to know how taxes are spent.

Deb London stated was concerned that there were many costs associated with the new laws that were not transparent.

Susan Mulloy discussed fees for landlords to register their unit.

Deborah Benson discussed rules of order.

Sierra Salin stated he would like to know the real costs of these laws.

P.J. Feffer stated he was in favor of greater fiscal transparency and disclosure, but noted there was a cost to gathering the requested information.

Mayor Cutrano closed the public comment period and reviewed the ten o'clock rule.

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

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

The Council discussed the cost estimates for the program.

Councilmember Hellman noted "for the record" that the data points used by the petitioners were false, and that no consultants or facilitators were funded by the Town for this program.

Town Manager Abrams noted the program estimated costs are included on page 44 of the FY23-24 Adopted Budget posted on the Town website, but that no resolution authorizing spending had been adopted yet.

Staff was directed to bring back firmer estimates in a spreadsheet when a resolution to implement the ordinances is brought back to the Council.

4. This item is continued to October 4, 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 October 4, 2023 Council meeting.

The Council took a 5-minute break at 10:57 p.m.

#### Consent Calendar

5. Receive Financial Statement and Disbursement Reports for July, 2023- Finance

Director

6. Approve Minutes for May 19, June 7 and 21, 2023 Town Council meetings- Town Clerk
7. Receive written report on Councilmembers' assignments, committees, and activities in August, 2023- Deputy Town Clerk
8. Receive Treasurer's Report for Quarter Ending July 30, 2023- Town Treasurer
9. Receive Age-Friendly Strategic Plan Implementation Scorecard prepared by Vice Mayor Coler
10. Receive Climate Action Committee Annual Report and Plan- Climate Action Coordinator
11. Proclamation in support of Prostate Cancer Awareness Month- Mayor Cutrano
12. Receive Notice of Amendments to the Fairfax Police Officers Association Memorandum of Understanding (FPOA MPU) for salary equity adjustment of 1% for Lieutenant, Sergeant, Dispatchers and Police Services Technicians, and 3% for Officer and Corporal positions- Town Manager
13. Approve Amended and Restated Employment Agreement with Police Chief Rico Tabaranza for the period of July 1, 2023 through June 30, 2024- Town Manager
14. Receive Notice of Amendments to employment agreement with Town Manager Heather Abrams- Town Attorney
15. Receive status update on the Fairfax bridge projects- Public Works Director
16. Receive Multi-Jurisdictional Hazard Mitigation Plan Update- Building Inspector
17. Receive status update on the Sixth Cycle Housing Element Update- Planning Director
18. Authorize execution of Second Amendment to the Three-Year Cooperative Agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME Programs- Town Manager

Town Clerk Gardner noted a correction to the May 19<sup>th</sup> minutes.

Mayor Cutrano opened the meeting to public comments.

Mark Bell, Fairfax, asked the Council to pull items #10 and #17 for discussion.

Todd Greenberg, Fairfax, asked the Council to pull items #5, #7, #9, #10, #12, #13, #14, #17, and #18 from the Consent Calendar. He had questions regarding the HCD report.

Michael Mackintosh asked the Council to pull items #15 and #17.

Deb London asked the Council to pull items #17, #15, #14, and #10.

Frank Egger, Meadow Way, asked that item #17 be pulled off consent.

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 stated these reports were included in written form in the packet.

### Town Manager Report

Town Manager Abrams reported on the slurry seal of Center Boulevard, Scenic Road repaving, a special Planning Commission meeting, the Women in Law Enforcement conference, a new HVAC system for Town Hall, and hosting this month's Marin County Council of Mayors and Councilmembers (MCCMC) meeting.

The meeting was adjourned in 11:26 p.m. in memory of Barbara Burghart-Perreault, Diane Sherry Bright, and John (Radj) Hauf.

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Fairfax Town Council Minutes  
Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via teleconference  
Wednesday, **September 13, 2023**

Mayor Cutrano called the Special Meeting to order at 5:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Bruce Ackerman  
Lisel Blash  
Barbara Coler  
Chance Cutrano  
Stephanie Hellman

**STAFF MEMBERS PRESENT:**

Jeff Beiswenger, Planning & Building Services Director  
Mark Lockaby, Building Official  
Janet Coleson, Town Attorney  
Kylee Otto, Assistant Town Attorney  
Christine Foster, Deputy Town Clerk

Approval of Agenda and Affidavit of Posting

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

Regular Agenda

1. Appeal of Suspension of Building Permit- 79 Wood Lane

Building Official Lockaby presented a staff report. Staff answered questions from the Council regarding the excavation of the garage; if the appellant denied a request to stabilize that situation; what could happen in terms of stabilizing the walls of the excavation; if there was a specific hearing process for suspension of a permit; over-excavation of the basement and the original agreement with the Planning Commission for a two-step approach; the difference between a Stop Work Order and the suspension of a permit; if there had been multiple Stop Work Orders and correspondences with the appellant.

Mayor Cutrano opened the meeting to public comments.

Mr. Richard Harris, the attorney representing Appellant Coby Friedman, stated Mr. Friedman was requesting a delay of this hearing. It appeared the Town Code does not have an appeal process for actions under the Building Code. He discussed the noticing requirements for appeals under the Town Code. He had received two days' notice and did not have sufficient time to provide documents to the Town and provide an argument that the permit suspension should not be upheld.

Town Attorney Coleson, representing the Building Official, discussed the Town Code chapter governing this appeal and stated there was no requirement for a 10-day notice. She noted that Mr. Friedman had rushed in and filed the appeal prior to completion of the discussions amongst the



attorneys about how they were going to handle the appeal, leaving the impression he was anxious to have it heard as soon as possible and so we scheduled this hearing. She noted there were no new issues raised beyond what was included in the court documents. She recommended that the Council hear the appeal now.

Acting Town Attorney Otto stated that as there was no provision in the Town Code for the appeal, it defaulted to the Brown Act, which required 24-hour notice for a special meeting.

It was the consensus of the Council to proceed with the appeal.

Mr. Harris lodged his objection and stated he was unclear about the Town Code section they were proceeding under or what procedures were being followed and believed this would prejudice Mr. Friedman.

Mr. Harris discussed due process for the revocation of a permit lawfully granted. He discussed the history of the project and the authority of the Building Official to accept changes to the project.

Acting Town Attorney Otto stated the Building Official had not revoked the permit; he had issued a stop work order, or suspension. Attorney Coleson concurred, adding she had heard no citations of authority from Mr. Harris that a pre-deprivation hearing was required for the suspension of a building permit.

Mayor Cutrano asked Mr. Harris if there was a willful misrepresentation in the application by the appellant. Mr. Harris stated "no". He discussed the three specific items described at the reasons for the suspension.

Mayor Cutrano opened the meeting to public comments.

Renu Melhatra, Wood Lane, stated she lived next door to the project. The excavation affected her and there was no way to build the adjoining fence/retaining wall without it impacting her. She noted time was of the essence.

Erika Milliken, Wood Lane, supported the Building Official and stated the neighbors were watching this project. They were concerned about the safety of the adjacent properties. There were initial misrepresentations to the neighbors.

Suzanne Quentin, Wood Lane, stated the project was disruptive and the owner displayed a lack of attention to the impacts.

Maya Friedman supported increased housing availability including ADUs and JADUs. The building envelope had not changed significantly or at all.

Mayor Cutrano closed the meeting to public comments.

The Council discussed the matter, noting there were no ministerial approvals and the application needed to go back to the Planning Commission.

M/S, Coler/Hellman, Motion to deny the appeal and uphold the suspension pending review and action by the Planning Commission.

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

The meeting was adjourned at 5:59 p.m.

DRAFT

Fairfax Town Council Minutes  
Regular and Special Meeting  
Women's Club, 46 Park Road, Fairfax  
and via Zoom  
Wednesday,  
October 4, 2023

Mayor Cutrano called the Regular and Special meetings 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  
Janet Coleson, Town Attorney  
Kylee Otto, Assistant Town Attorney  
Jeff Beiswenger, Planning Director  
Christine Foster, Deputy Town Clerk

Approval of Agenda

M/S, Coler/Blash, Motion to approve the Regular and Special Meeting agendas.  
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

Announcement of Closed Session Action

Mayor Cutrano stated there were no announcements.

Special Meeting Agenda

1. Presentation by Gary Naja-Riese, Homelessness and Whole Person Care Director at Marin County Health and Human Services

Police Chief Tabaranza, Interim Ross Valley Fire Chief Mahoney, and Ross Valley Fire Senior Fire Inspector Bastianon were available for questions.

Mr. Naja-Riese presented a PowerPoint presentation on homelessness efforts in Marin County. He, along with staff, answered questions from the Council regarding the current number of unhoused individuals; how to get individuals prioritized; if there were any current vacancies in the shelter system; what the horizon looks like for support systems; prioritizing funding; rental subsidies; the cost of providing tiny homes; the preclusion of geographic targeting; what small communities can do; structured encampments; vouchers; the cost differential of shelter beds vs. permanent housing; the efficacy of rent subsidies; laws concerning moving people; if there was

anything else Fairfax could be doing; how often the police patrol the encampments; the Crisis Response Team.

Mayor Cutrano opened the meeting to public comments.

Mark Bell, Fairfax, asked about people who do not want to be in a program, and using vacant commercial spaces.

Michael Bauernfeind asked about the authority of local police to regulate encampments.

Tyler Snow, Fairfax, asked about individuals who are not able to maintain housing.

George Taylor referred to the Fairfax Food Pantry and suggested providing more basic services to the homeless.

Todd Greenberg, Bolinas Road, discussed drug addiction and homelessness.

Yuri, Fairfax, was concerned about those homeless individuals who are unable to communicate.

Michael Mackintosh stated that the Police and Fire Departments are the first responders and should be allocated funding.

Jeanie Shaw asked about the number and locations of unhoused individuals in Fairfax.

Tony Gardner, Fairfax, encouraged a continuum of care approach and cautioned against expecting Police and Fire Department employees to be social workers.

Eva stated the longer an individual is unhoused the more likely they will exhibit signs of mental illness.

Mike Little agreed with the previous speaker, and expressed concern on how the funding for housing is spent.

Philip suggested a camera be trained on any encampments and law enforcement.

Chris P. was concerned about people denigrating the unhoused population.

Gus, a local 9-year old, asked why there is no homeless center in Fairfax.

P.J. Feffer agreed with Eva and Chris P and stated there was too much negative rhetoric directed towards the homeless community.

Kay stated these are human beings in crisis. She was concerned about fires in Peri Park.

Jason Sarris stated discussed a homeless camp in Novato with case managers and basic services which has been successful.

Mayor Cutrano closed the meeting to public comments.

Councilmember Hellman suggested forming a subcommittee and involving the community.

The Council took a 13-minute break at 8:40 p.m.

## Open Time

Michael Mackintosh stated he wanted to participate in the staff meeting with HCD regarding the Housing Element.

Mark Bell expressed concern about the 2-minute speaker limit and about a recent fire at the homeless encampment.

Kathy Flores announced a Halloween candy collection for the Dominga/Napa neighborhood.

Karen was concerned that the Council did not answer all of the questions from the public.

Frank Egger, Meadow Way, discussed an increase in crime and suggested license plate readers on police vehicles and cameras in neighborhoods.

Todd echoed the concerns of previous speaker Mark Bell and suggested an ordinance.

Yuri expressed appreciation for Fairfax having a variety of goods and services but was concerned about the large delivery trucks blocking streets.

Kristen Amlie stated 31% of Fairfax residents are 60 years old and above, with an average age of 48; the needs of older adults and caregivers should be considered when adopting policies.

Jody Timms was concerned that Fairfax was considering lowering its goal of achieving carbon neutrality by 2030, noting that Santa Clara County has just gone in the opposite direction.

Sue Saunders agreed with the previous speaker, and supported Fairfax's goal of 100% electric vehicles by 2030.

Philip was concerned that stated rent control regulations exacerbated the housing crisis.

Eva suggested people focus on using public transportation instead of buying electric vehicles.

Liz Froneberger supported alternative forms of transportation and was concerned about the goal of 100% electric vehicles by 2030.

Mayor Cutrano closed Open Time.

M/S, Coler/Blash Motion to move item #3 ahead of items #1 and #2 on the regular agenda.

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

## Regular Agenda

### 3. Adopt Resolution Declaring the Conditions at 67 Live Oak Road a Public Nuisance and Ordering the Town Manager to abate the Nuisance; AP #001-236-20

Building Official Lockaby presented the staff report. Staff answered a question from the Council regarding tonight's request; how a lien against a property works.

Mayor Cutrano opened the Public Hearing.

Paula Todd stated she lived next door and the subject property was not sanitary and was a fire hazard. She added that the neighbors have spent \$25,000 in rodent removal.

Gary Denoni stated he lived across the street from the subject property. He agreed with the previous speaker and noted that taking care of the situation would benefit Ms. Bagan as well as the neighborhood.

The owner of the subject property stated rats were a problem everywhere in Marin and it there was no proof that the rats came from her property. She stated she did not leave food out, but there was an apple tree and olive tree. She added that rats predated her. She stated her neighbor had never offered help. She was doing her best to maintain the property on a limited income, but she had downsized to this house and had to store some of her belongings in the carport. She discussed some of her health challenges.

Michael Mackintosh discussed rat problems.

Mark Bell suggested a 30 or 60 day reset to allow an agency to help the property owner.

Eva stated the property owner needed help from her neighbors.

Liz Froneberger expressed her confidence in Mr. Lockaby based on past experience.

Mayor Cutrano closed the Public Hearing.

The Council discussed the matter, agreeing that it was a difficult situation.

M/S, Coler/Ackerman, Motion to Adopt Resolution Declaring the Conditions at 67 Live Oak Road a Public Nuisance and ordering the Town Manager to abate the nuisance by hiring a contractor to remove the various debris on and under the carport; hiring a towing company to remove the inoperable Honda Element automobile; prior to abatement by a contractor and towing company, the owner will be given notice and a final 10-day period of time in which to remedy the listed Code violations on the property. Any abatement will be completed in accordance with applicable law. Town staff will return to Council at a future date to report on the abatement and request that the cost of the abatement be charged to the property owners as a special assessment lien on the property.

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

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

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

1. Introduce and read by title only an 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

Town Manager Abrams presented the staff report and noted the supplement to the packet. Staff answered questions from the Council regarding whether an owner could sell the business and if its use would continue per the Conditional Use Permit; if leaking underground fuel tanks can be fixed; the 180 day extension period.

Mayor Cutrano opened the public hearing.

Todd Greenberg was concerned about the threat to gas and sales tax revenues.

Mark Bell questioned the need for this law, as there are not many applications for gas stations.

Frank Egger, the Cascades, stated Fairfax Town Code already prevented a new gas station.

Michael Mackintosh discussed his concerns with electric vehicle damage to the earth.

Yuri stated suggested focusing on trains rather than electric vehicles.

P.J. Feffer, speaking as an individual, stated the ordinance made it easier for gas stations to operate.

Liz Froneberger supported the ordinance.

Mayor Cutrano closed the public hearing.

M/S, Ackerman/Coler, Motion to introduce and read by title only an Ordinance Amending Section 17.008.020, Definitions, Section 17.096.050, Conditional Uses and Structures, and adding new Section 17.016.080 Regulation of Non-Conforming Filling (Service) Stations Uses and Structures to Title 17 of the Fairfax Municipal Code and finding the action exempt from CEQA, based on the supplement and with a typo correction.

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

2. Introduce and read by title only an Ordinance relating inclusionary housing requirements; adopt a Resolution adopting affordable housing requirements and program regulations; and adopt a Resolution adopting affordable housing in-lieu fees and commercial/non-residential linkage fees in the master fee schedule

Planning Director Beiswenger presented the staff report. Staff answered questions from the Council regarding if the minimum threshold is three units; administration of the funds by staff; the reason low and very low units cannot pencil out; tax credits; if the funds could be used to fill a funding gap; who would be responsible for managing the inclusionary housing portfolio; incentives for developers to provide low and very low income units; Section 17.140.050, Duration of Affordability Covenants; if a Variance procedure could be used with respect to the location of units.

Mayor Cutrano opened the public hearing.

Yuri opposed the concentration of units. He asked why duplexes were not included.

Michael Mackintosh stated that there was no need for the ordinance.

Todd Greenberg opposed complicating this process and taxing the population.

Mark Bell stated many people in town qualified as "low income" but there was nowhere to build new housing.

Eva discussed multistory housing in other communities that could never happen here.

Mallory Geitheim was concerned that the Affordable Housing Committee does not hold meetings- it is in name only. This should change.

Mayor Cutrano closed the public hearing.

M/S, Coler/Blash, Motion to Introduce and Waive First Reading and read by title only an Ordinance adding Chapter 17.140, Affordable Housing to Title 17, Zoning, of the Fairfax

Municipal Code relating to inclusionary housing requirements; Adopt a Resolution adopting Affordable Housing Requirements and Program Regulations; and Adopt a Resolution adopting Affordable Housing In-Lieu Fees and Commercial/Non-Residential Linkage Fees in the Master Schedule and using the supplement provided tonight.

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

4. Appeal of Planning Commission August 17, 2023 action approving a new residence at 34 Hill Avenue

Mayor Cutrano stated this item had been withdrawn by the appellants.

5. This item is continued to November 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 was continued to the October 4, 2023 Council meeting.

#### Consent Calendar

6. Receive Financial Statement and Disbursement Reports for August, 2023- Finance Director
7. Approve Minutes for July 12, August 2, August 7, 2023 Town Council meetings- Town Clerk
8. Receive written report on Councilmembers' assignments, committees, and activities in September, 2023- Deputy Town Clerk
9. Adopt Resolution Approving a Side Letter to Amend the Memorandum of Understanding (MOU) with the Fairfax Police Officers' Association (FPOA) for salary equity adjustment of 1% for Lieutenant, Sergeant, Dispatchers and Police Services Technicians, and 3% for Officer and Corporal positions- Town Manager and Town Attorney
10. Approve amendments to employment agreement with Town Manager Heather Abrams- Town Attorney
11. Receive report of Town Hall Closure and winter furlough days for Town Hall employees from December 25, 2023 to January 2, 2024- Town Clerk
12. Adopt a Establishing the Regular Council Meeting Dates for the Months of January, July, and October, 2024 and confirm the 2024 Council regular meeting calendar- Town Clerk
13. Adopt a Resolution Thanking and Dissolving the Fairfax Volunteer Board- Town Manager
14. Appoint Councilmember Lisel Blash to the MCCMC Homelessness Subcommittee to fill vacancy- Town Attorney
15. Proclamation for Ageism Awareness Day- Mayor Cutrano
16. Proclamation for National Hispanic Heritage Month- Mayor Cutrano

Town Attorney Coleson referred to item #10 and reported the total base salary for the Town Manager as of July 1, 2023 will be \$237,052.52.

Councilmember Hellman noted there was a typo in the August 2<sup>nd</sup> minutes. She referred to item #14 and stated she was stepping down due to a recurring meeting conflict.

Councilmember Blash made a comment on item #14.

Mayor Cutrano opened the meeting to public comments.

Todd Greenberg expressed concern with the public comment limitation on consent calendar items and asked the Council to pull item #10 for his questions and comment regarding compaction.

Yuri had a question about compaction relating to item #10.

Mark Bell expressed concern with the public comment limitation on consent calendar items. He referred to item #6 and had questions about expenditures.

Michael Mackintosh was concerned that the Council does not discuss Consent Calendar items and relies on the staff reports.

Eva stated it was understandable that there were so many items on the Consent Calendar.

Mayor Cutrano closed the meeting to public comments.

Mayor Cutrano thanked everyone who has ever served on the Volunteer Board.

M/S, Hellman/Coler, motion to approve the Consent Calendar as submitted.  
AYES: Ackerman, Blash, Hellman, Vice Mayor Coler, Mayor Cutrano

#### Council Reports and Comments

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

#### Future Agenda Items

Councilmember Hellman had two requests:

- A discussion on forming a subcommittee on homelessness.
- Exploration of implementation for Just Cause Eviction and Tenant Protection Policies.

#### Town Manager Report

Town Manager Abrams reported the updated draft schedule for the Housing Element will be posted on the website.

Town Attorney Coleson reported that the YIMBY lawsuit had been dropped.

The meeting was adjourned at 11:40 p.m. in memory of U.S. Senator from the State of California Dianne Feinstein.