

**AGENDA**  
**REGULAR FAIRFAX TOWN COUNCIL MEETING**  
**Fairfax Women's Club, 46 Park Road**  
**Wednesday, May 1, 2019, at 7:00 p.m.**

Preceded by a Special Meeting in Closed Session at 5:45 p.m. at Town Hall, 142 Bolinas Road

**SPECIAL MEETING IN CLOSED SESSION, Fairfax Town Hall, 142 Bolinas Road, Fairfax**

**5:45 PM – Call to order – Public comment – Adjourn to closed session on the following matter:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code §54956.8

Property: APN 001-160-09 (portion of 18.45 acres)

Negotiating parties: Marin Open Space Trust, Marshall Rothman, Managing Partner, Timberstone 4038T, LLC.

For Town: Town Attorney and Town Manager

Closed Session Topic/Under Negotiations: Price and Terms

**REGULAR MEETING (open to the public), Women's Club, 46 Park Road**

**7:00 PM – CALL TO ORDER - PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ANNOUNCEMENT OF CLOSED SESSION ACTION**

**APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

**MEETING PROTOCOL**

The Mayor shall maintain order at the meetings. The Council and the audience are expected to refrain from using profane language and/or ridiculing the character or motives of council members, staff, or members of the public and to maintain the standards of tolerance and civility. Please turn off all cellular phones or place in silent mode.

The Town Council will review the agenda at 10:00 P.M. to ascertain which items, if any, will be continued to another meeting. Any matter not started by 11:30 P.M. will be continued to an adjourned or regular council meeting unless the Council votes to suspend this rule.

**ANNOUNCEMENTS**

**Vacancies on Boards and Commissions:** up to 3 vacancies on **Climate Action Committee**; 2 vacancies on **Open Space**; 1 vacancy on the **Tree Committee**; 2 terms on the **Planning Commission** expiring at the end of May. Applications and information are available at Town Hall, at [www.townoffairfax.org](http://www.townoffairfax.org), and by contacting the Town Clerk.

**Parkade Ribbon Cutting! Friday, May 3 at 9:30 am, at the Parkade steps on Broadway**

**Meet the new Artists-in-Residents Susan Pascal-Beran & Georgia Gibbs, Saturday, May 4, 5-8 pm at the Pavilion in conjunction with **Open Studios**.**

**Peri Park Clean-up** Saturday, May 18, 10 am-12 noon, followed by **BBQ lunch w/Ross Valley Firefighters**, noon-2 pm in front of the Community Center. It's a fundraiser for Peri Park Renovation Project.  
**Fairfax Festival: Saturday-Sunday, June 8-9**, from 11 am-6 pm; **Parade at 10am** on Saturday  
**Fairfax Community Showcase**, Friday, May 17, 6:30 pm, Women's Club, Benefit for the Fairfax Food Pantry, sponsored by the Fairfax Volunteers  
**Food Pantry**, Saturdays 9-11am, Fairfax Community Church, 2398 SFD Blvd., volunteers needed.

**OPEN TIME FOR PUBLIC EXPRESSION:** To address the Council on matters **not** on the agenda, please approach the podium and state your name and address (optional). Depending on the number of speakers, individuals have 2 to 3 minutes to speak; 4 to 5 minutes if representing a group. The Council is not permitted to take action and state law strictly limits the right of the Council to discuss any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda. (Gov. Code §54954.2)

### **CONSENT CALENDAR**

1. Accept Financial Statement and Disbursement Reports March 2019 – Finance Director
2. Receive Treasurer's Report as of March 31, 2019 – Town Treasurer
3. Proclamation recognizing Kids to Parks Day on May 19, 2018 – Town Clerk
4. Reappoint Chris Borjian to full term on the Parks and Recreation Commission – Town Clerk
5. Approve joining the Mayors Climate Network – Mayor Coler
6. Receive Marin Sanitary Service 2018 Annual Report – Town Clerk
7. Receive report on the schedule for the FY19-20 Proposed Operating and Capital Improvement Budget– Town Manager, Finance Director
8. Approve request from Drawdown Marin to use the Town logo on their homepage – Assistant Planner
9. Authorize the Town Manager to negotiate and execute agreements with Tyler Technologies, Inc for Tyler InCode accounting software as a cloud-based service (SaaS), in an amount not to exceed \$100,000 – Finance Director
10. Receive written report on Councilmembers' assignments, committees, and activities in April – Town Clerk
11. Authorize the Town Manager to prepare and submit the FY2019-20 work plan to Marin County for the use of the Town's Measure A park funds – Town Manager
12. Authorize Vice Mayor to send a letter supporting the Marin Transit staff proposal to increase annual supplemental funds by \$30,000 for the Ross Valley Yellow School Bus program – Town Manager

### **PRESENTATION** (10 minutes)

The damage caused by the production and consumption of single use plastics and disposable foodware– Perri Russell, Sustainable Fairfax Intern/ Drake Highschool  
(Please note this item will be on the Council's June meeting agenda for initial discussion and public comment.)

### **REGULAR AGENDA**

13. Discuss regulations pertaining to certain commercial cannabis uses including store-front retail and delivery-only businesses, non-commercial cannabis cultivation, cannabis business permit process, and scoring criteria for applications – Planning Director

14. Discuss/consider the renewal of the existing special municipal services tax of \$195 per business occupancy and dwelling unit (Measure J) – Town Manager
15. Second reading by title only and adoption of an ordinance adding Chapter 5.55, Entitled “Mandatory Mediation for Rental Increases” to Fairfax Municipal Code Title 5, Requiring Mediation for Rental Increases Exceeding Five Percent; exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines – Town Manager
16. Second reading by title only and adoption of an Ordinance entitled “An Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Municipal Code, Chapter 1.12 Regarding the Abatement of Public Nuisances” to update and clarify the Town’s nuisance abatement procedures and cost recovery provisions; CEQA Categorical Exemption CEQA Guidelines §§ 15301, 15305, and 15308 – Town Manager
17. Introduce and read by title only an ordinance entitled “An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.008 (‘Definitions’), Chapter 17.016 (‘Nonconforming Uses and Structures’), and Chapter 17.136 (‘Floor Area’), of the Fairfax Municipal Code, Title 17 (‘Zoning’), to Limit Maximum Floor Area for Single Family Residential and Duplex Properties and to Revise the Standard for Determining Whether a Legal Nonconforming Structure Is More than 50% Destroyed.” CEQA exempt per CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), and 15302. – Planning Director

**COUNCIL REPORTS AND COMMENTS** (Verbal reports by Councilmembers regarding highlights of their committee assignments, activities, and events. A written report is on the Consent Calendar.)

**TOWN MANAGER’S REPORT**

**FUTURE AGENDA ITEMS**

**ADJOURNMENT**

If any of the matters described above is challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting.

If you need an accommodation to attend or participate in this meeting due to disability, please contact the Town Clerk prior to the meeting: (415) 453-1584 or [mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org).

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection on the public counter at Town Hall in a folder next to the agenda packet. Such documents are also available on the Town’s Web site at “townoffairfax.org” subject to staff’s ability to post the documents before the meeting.

Meetings may be broadcast, recorded, and uploaded to the Town’s website.

I, Michele Gardner, Town Clerk of the Town of Fairfax, County of Marin, State of California, do hereby certify that I posted a copy of this Agenda at three public places in the Town of Fairfax, to wit: 1) Bulletin Board, Town Hall Offices; 2) Bulletin Board, Fairfax Post Office, and 3) Bulletin Board, Fairfax Women’s Club and that each of said postings was completed on or before April 26, 2019.

To receive **Town Council agendas** by email, send your request to [mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org).

To receive **Planning Commission agendas** by email, send a request to [lneal@townoffairfax.org](mailto:lneal@townoffairfax.org).

To receive updates on **Marinda Heights** (a.k.a. the **Wall property**) project, subscribe at [www.townoffairfax.org](http://www.townoffairfax.org).