



# TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930  
(415) 453 - 1584 / FAX (415) 453 - 1618

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, **July 7, 2021**, at 7:00 pm  
VIA TELECONFERENCE ONLY

#### ADVISORY NOTICE

Due to Coronavirus and consistent with State of California Executive Order N-29-20 and Marin County Public Health Orders, Town Council meetings will be held via tele- and videoconference only.

There will be no in-person meeting location. The public can participate in meeting as follows:

- **Watch** on <https://www.townoffairfax.org/watch-live-2/> or <https://www.cmcm.tv/27>
- **Watch** on TV Comcast Channel 27 or AT&T Channel 99
- **Watch/speak** on Zoom: **Webinar ID 845 3934 4099** or join <https://us02web.zoom.us/j/84539344099>
- To speak during the Public Comment time, select the **Raise Hand** icon and you will be added to the queue and unmuted when it is your turn.
- **Listen/speak by phone:** +1(669) 900-9128 and use Webinar ID above. If you receive a busy signal, call +1 346 248-7799. (Press \*67 before dialing to hide your phone number.) To speak during the public comment time **press \*9** and you will be added to the queue and unmuted when it is your turn.
- **Prior to the meeting**, you may **email** written comments to the Town Council to read and consider. Emails received prior to 3pm will be included in the meeting record.

**7:00 PM** – CALL TO ORDER – ROLL CALL

#### APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

#### ANNOUNCEMENT OF JULY 1, 2021, CLOSED SESSION ACTION

#### LAND ACKNOWLEDGEMENT

The Fairfax Town Council acknowledges that we are located on the un-ceded ancestral lands of the Coast Miwok people of present-day Marin County. We honor with gratitude the land itself, and all of its ancestors: past, present, and emerging.

#### 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

**Chipper Days:** register for your neighborhood curbside pickup at <https://www.chipperday.com/marin>

**Vacancies on Boards and Commissions:** Applications available on the Town website, or by contacting Town Clerk Michele Gardner, [mgardner@townoffairfax.org](mailto:mgardner@townoffairfax.org).

- **Climate Action Committee** up to 4 vacancies
- **Open Space Committee (FOSC):** 1 vacancy

- **Parks and Recreation Commission:** 1 vacancy
- **Volunteer Board:** 2 vacancies
- **Commission on Aging:** 1 vacancy
- **RESJ:** 5 vacancies and 2 youth vacancies

**Fairfax Food Pantry:** Saturdays 8:30-10:30am, Fairfax Community Church, 2398 SFD Blvd.

To receive Town agendas, newsletters, and updates by email, visit [www.townoffairfax.org](http://www.townoffairfax.org) to subscribe.

**OPEN TIME FOR PUBLIC EXPRESSION:**

*This is the time to address the Council on **matters not on the agenda**. Individuals are limited to 3 minutes, groups to 5 minutes, subject to the Mayor's discretion. 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)*

**REGULAR AGENDA**

1. Ratification of appointment of Rico Tabaranza as Fairfax Chief Police and approval of Police Chief employment contract – Town Manager
2. Adopt resolution to appoint and approve contract for interim Town Manager – Town Manager
3. Administer Oath of Office to newly appointed officials – Town Clerk
4. Adopt a Proclamation in Honor of Garrett Toy – Mayor Ackerman

**CONSENT CALENDAR**

*The Council may approve the entire consent calendar with one action (vote). In the alternative, items on the Consent Calendar may be removed by any Town Council or staff member for separate discussion and vote. The opportunity for public comment on consent calendar items will occur prior to the Town Council's vote on the Consent Calendar.*

5. Receive Financial Statement and Disbursement Reports May 2021 – Finance Director
6. Receive report on Councilmembers' assignments, committees, and activities in June – Town Clerk
7. Approve minutes for the April 7, 2021, Town Council meeting – Town Clerk
8. Adopt Resolution Adopting the revised Climate Action Plan (CAP) – Town Manager
9. Authorize the Town Manager to create and implement a vegetation management grant program to assist seniors, disabled, and lower income households – Town Manager
10. Adopt Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2021, through June 30, 2022, and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith – Town Manager, Finance Director
11. 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 2020-21 – Finance Director
12. Authorize Town Manager to file an appeal of the Regional Housing Needs Allocation numbers for Fairfax to the Association of Bay Area Governments – Town Manager, Planning Director
13. Approve schedule for the Town Council and Planning Commission to return to in-person meetings in September and allow for Town Board, Commissions and Commissions to return to in-person meetings beginning as soon as July – Town Manager

14. Adopt a Resolution extending the Marin County Abandoned Vehicle Abatement Vehicle Registration Fee until April 2032 – Town Manager
15. Approve Agreement with Ralph Andersen and Associates for Recruitment Services for Town Manager and Public Works Director – Town Manager
16. Approve Amendment No. 9 to the master agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$142,150 for additional design and right-of-way (ROW) services for the Creek Road Seismic Retrofit and Bridge Preventive Maintenance Program (BPMP- Canyon, Marin, Spruce) bridge projects – Town Manager
17. Ratify letter sent by the mayor in opposition to Assembly Bill 537 which would allow wireless companies to construct wireless facilities without local permits – Town Manager
18. Ratify letter sent by the mayor in opposition to Assembly Bill 215 (Chiu), which would create a new, mid-cycle regional housing needs progress determination process – Town Manager
19. Receive report from the Parks and Recreation Commission (PARC) regarding locations for a permanent skate park and defer discussion to a future Council meeting – Town Manager
20. Approve reopening of the Mono Parking Lot in August 2021 – Town Manager
21. Authorize the Town Manager to enter into an agreement with the County of Marin to provide funding for homeless case management in an amount not to exceed \$33,000– Town Manager
22. Receive report on the Council’s workshop to discuss the allocation of funding to be received from the American Rescue Plan – Town Manager
23. Notice of amendments to the Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) for the period July 1, 2021 through June 30, 2022 (Note: no Council action to be taken at this meeting) – Town Manager
24. Notice of Amendments to the Memorandum of Understanding (MOU) with Fairfax Police Officers’ Association (POA) for the period July 1, 2021 through June 30, 2022 – Town Manager
25. Notice of Amendments to the Resolution Establishing Wages and Benefits for Management, Confidential, and Part-Time Employees for the Period of July 1, 2021 through June 30, 2022 – Town Manager

## **PUBLIC HEARINGS**

26. ***This item is continued to the August 4, 2021, Town Council Meeting.***  
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 Marene Sorgen, appellants/owners; CEQA categorically exempt, § 15301(e)(2)(1). – Principal Planner, Town Manager

## **REGULAR AGENDA**

27. Discuss/consider request of the Racial Equity and Social Justice Committee (RESJ) to allow the RESJ’s Police Practices and Public Safety Alternatives (PPPSA) subcommittee to not be subject to the Brown Act and direct staff as appropriate – Town Manager
28. Introduce by title only an Ordinance Adding Chapter 15.05 entitled “All-Electric Construction in Newly Constructed Buildings” to Title 15 of the Fairfax Municipal Code; CEQA exempt pursuant to CEQA Guidelines sections 15378(b)(5), 15061(b)(3), and/or 15307 and 15308 – Town Manager

29. Second reading by title only and adoption of an Ordinance Amending Chapter 17.020 and Adding Section 17.020.030(c) to Include the Requirement of a Design Review Permit for Changes in the Exterior Color of a Structure or the Alteration of a Significant Design Element Which is a Part of the Design of the Building in Limited Commercial CL, Highway Commercial CH, Central Commercial CC, Service Commercial CS, Commercial Recreation CR, Planned Development District PDD, Multiple Family Residential RM and Multiple Family Residential-Senior Residential RM-S Zones; Exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2), 15061(b)(3), 15305 and 15378 – Principal Planner
30. Second reading by title only and Adoption of an Ordinance amending Municipal Code Chapter 2.12: “Town Manager” to remove the requirement that the Town Manager be a resident of Marin County; CEQA Exempt pursuant to CEQA Guidelines Section 15061(b)(3) – Town Manager

**COUNCIL REPORTS AND COMMENTS** (Brief announcements and reports on Councilmember assignments, committees, and activities, including reports from meetings attended at Town expense.)

### **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 [www.townoffairfax.org](http://www.townoffairfax.org).

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

Affidavit of Posting: 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, 3) Bulletin Board, Fairfax Women’s Club, and at [www.townoffairfax.org](http://www.townoffairfax.org) and that each of said postings was completed on or before July 2, 2021.

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/s/