



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, **February 2, 2022**, at 7:00 pm

Preceded by a Special Meeting in Closed Session at 6:00 pm

**VIA TELECONFERENCE ONLY**

#### ADVISORY NOTICE

Due to the declared State of Emergency and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, and pursuant to AB 361 and Fairfax Town Council Resolution, this meeting will be held via teleconference only.

There will be no in-person meeting location. The public can participate in the 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 841 3979 6542** or join <https://us02web.zoom.us/j/84139796542>
- 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, up to 3:00 pm on the day of the meeting. All emails will be included in the meeting record.

#### Special Meeting in Closed Session at 6:00

**6:00 PM – CALL TO ORDER – ROLL CALL– APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

**PUBLIC COMMENT ON CLOSED SESSION ONLY:** join <https://us02web.zoom.us/j/88646615585>

*Public comment will be received on the closed session matter listed below before the Council adjourns to the closed session. To comment, please use one of the following options:*

- To speak on Zoom, select the **Raise Hand** icon and you will be unmuted when it is your turn.
- **Listen/speak by phone:** +1(669) 900-9128 or +1 346 248-7799 and use Webinar ID 886 4661 5585. (Press \*67 before dialing to hide your phone number.) To speak **press \*9** and you will be unmuted when it is your turn.
- **Prior to the meeting**, you may **email** written comments to the Town Clerk for the Town Council to read and consider. All emails will be included in the meeting record.

#### **ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTER:**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(2) & (e)(1)

One case

#### Regular Meeting at 7:00 PM

Webinar ID 841 3979 6542 or join <https://us02web.zoom.us/j/84139796542>

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

**APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

**REPORT OUT ON CLOSED SESSION**

**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**

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

- **Planning Commission:** 1 vacancy – deadline to apply is Feb.26<sup>th</sup>
- **Community Emergency Preparedness Committee:** **NEW** committee! Seats available for community members, CERTs, NRG members, and FireWise members
- **Climate Action Committee:** up to 4 vacancies
- **Parks and Recreation Commission:** 1 vacancy
- **Volunteer Board:** 1 vacancy

**Fairfax Food Pantry:** Saturdays 8:00-10:00am, 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.

### **PRESENTATION OF PROCLAMATIONS**

1. Proclamation in Celebration of Deer Park Villa 100 years – *Mayor Hellman*
2. Proclamation in Memory of Frank Anthony Fradelizio – *Mayor Hellman*
3. Recognition of Consultants and Contractors Who Quickly Returned Sir Francis Drake Boulevard to Service with Special Efforts and Excellent Collaboration Following the Discovery of a Sinkhole on December 13, 2021 – *Mayor Hellman*

### **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).*

### **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.*

4. Adoption of a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings – *Town Attorney Janet Coleson*
5. Receive Financial Statement and Disbursement Reports December 2021 – *Finance Director Michael Vivrette*

6. Receive written report on Councilmembers' assignments, committees, and activities in January – *Town Clerk Michele Gardner*
7. Receive Treasurer's Report or Quarter Ending December 31, 2022 – *Town Treasurer Janet Garvin*
8. Receive Quarterly Report on Fairfax Recreation and Community Services Activities from October – December 2021– *Recreation and Community Services Manager Anne Mannes*
9. Adopt a Resolution Confirming the Continuing Existence of a Local Emergency at or Near 2378 Sir Francis Drake Boulevard, Fairfax, and Continuing Authorization for the Emergency Procurement of Materials and Labor without Competitive Bidding – *Interim Public Works Director Jonathon Goldman*
10. Adopt a Resolution Approving the Classification Specification and Pay Range for Climate Action Coordinator, and Authorizing the Interim Town Manager to Update Related Lists, Schedules, and Rosters – *Deborah Muchmore, Human Resources Consultant*
11. Adopt a Resolution Further Amending "Exhibit A – Salary Range" to Resolution 18-31 Establishing Wages and Benefits for Management and Confidential Employees and Part-time Employees – *Finance Director Michael Vivrette*
12. Adopt a Resolution Amending the Annual Salary Schedule for Fiscal Year 2021-22 to add the Climate Action Coordinator position and to reflect adjustment to the Town Manager salary – *Finance Director Michael Vivrette*
13. Adopt a Resolution Authorizing the Interim Town Manager to Execute an Interagency Agreement to provide Climate Action Coordinator Services to the Town of San Anselmo – *Deborah Muchmore, Human Resources Consultant*
14. Adopt a Resolution Authorizing the Interim Town Manager to Execute an Interagency Agreement with the Town of Corte Madera for the Provision of Administrative Analyst Services – *Interim Town Manager Adam Politzer, Deborah Muchmore, Human Resources Consultant*
15. Approve Agricultural Community Events Farmers Market right of entry agreement to continue to operate a Farmers Market in Bolinas Park in 2022 and 2023– *Town Clerk Michele Gardner*

#### **REGULAR AGENDA**

16. Receive Municipal Fleet Electric Vehicle Infrastructure Status Update and Adopt Resolution to appropriate funds and authorize the Town Manager to: 1) Negotiate Public Work up to \$25,000 for Improvements to the Photovoltaic System at the Pavilion to Provide Level 3 EV Changing Capability Without Ground Disturbance; 2) Purchase One (1) Beam Global Solar EV ARC™M with ChargePoint Dual Port J-1772 Plug Mobile Solar Panel Electric Vehicle Charger Systems at California State Department of General Services Contract ID 1-18-61-16 Prices; and 3) Sole-Source Purchase of One (1) 2022 Ford F-150 Lightning CREW CAB 4X4 LIGHTNING PRO EV – *Interim Public Works Director Jonathon Goldman, Police Chief Rico Tabaranza, Finance Director Michael Vivrette*

#### **PUBLIC HEARINGS**

17. Commercial Cannabis Business Permit, Design Review Permit, and Sign Exception Permit for a cannabis storefront retailer/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard – Applicant Element 7/Fairfax Remedy – *Principal Planner Linda Neal, Town Attorney Janet Coleson*
18. Appeal of Planning Commission denial of a Formula Business Conditional Use Permit for a medical cannabis storefront retailer/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard – *Principal Planner Linda Neal, Town Attorney Janet Coleson*
19. ***This item is continued to March 2, 2022.***

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 Linda Neal, Town Attorney Janet Coleson*

**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**

Agenda Forecast

**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 January 28, 2022.

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/s/