



TOWN OF FAIRFAX

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

AGENDA

REGULAR FAIRFAX TOWN COUNCIL MEETING

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

Preceded by a Special Meeting to Conduct Interviews at 6:30 pm

Preceded by a Special Meeting 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 872 9243 0718** or join <https://us02web.zoom.us/j/87292430718>
- 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 pm

Webinar ID 836 6157 5919

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/83661575919>

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 836 6157 5919. (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

Special Meeting at 6:30 PM

<https://us02web.zoom.us/j/87292430718> Webinar ID **872 9243 0718**

6:30 PM – CALL TO ORDER – ROLL CALL– APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

1. Interview applicant Nina Luttinger and consider her appointment to the Climate Action Committee (CAC) – Town Clerk
2. Interview applicant Joe Hewling and consider his appointment to the Climate Action Committee (CAC) – Town Clerk

Regular Meeting at 7:00 PM

Zoom Webinar ID **872 9243 0718** or join <https://us02web.zoom.us/j/87292430718>

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.

- **Planning Commission:** 1 vacancy – deadline to apply is extended to April 25, 2022
- **Community Emergency Preparedness Committee:** Seats available for community members, CERTs, NRG members, and FireWise members
- **Climate Action Committee:** up to 5 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 and subscribe.

INTRODUCTIONS

1. Introduction of Town Manager Heather Abrams and administration of the Oath of Office – *Interim Town Manager Adam Politzer, Town Clerk Michele Gardner*
2. Introduction of new staff: Climate Action Coordinator Sean Youra and Administrative Analyst Lorena Barrera – *Town Manager Heather Abrams*

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, 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).

PRESENTATIONS

3. Proclamation in Honor of Adam Politzer – *Mayor Hellman*
4. Proclamation in Honor of Jonathon Goldman – *Mayor Hellman*
5. Presentation on rent stabilization – *Marin Democratic Socialists of America*

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.

6. Adopt a Resolution Making Findings and Determinations under AB 361 for the Continuation of Virtual Meetings for the month of March, and direct staff to prepare to hold the April 6th Council meeting in a hybrid format – *Town Attorney Janet Coleson, Town Clerk Michele Gardner*
7. Receive Financial Statement and Disbursement Reports January 2022 – *Finance Director Michael Vivrette*
8. Receive written report on Councilmembers' assignments, committees, and activities in February – *Town Clerk Michele Gardner*
9. Approve minutes for the Town Council meetings of December 1 and 15, 2021, and January 19, 2022 – *Town Clerk*
10. Receive report on Town Communications activities in calendar years 2020 and 2021 – *Communications Specialist Camille Esposito*
11. Adopt a Resolution Proclaiming the Termination of the Local Emergency at or Near 2378 Sir Francis Drake Boulevard, Fairfax First Declared on December 15, 2021 and Continued on January 19, 2022 and February 2, 2022 – *Interim Public Works Director Jonathon Goldman*
12. Adopt a Resolution Making a Supplemental Budget Appropriation, Authorizing Payment, Accepting the Work as Complete and Directing the Issuance of a Notice of Completion for the Temporary Repairs Made to the Roadway at or near 2378 Sir Francis Drake Boulevard, Fairfax in Response to the Local Emergency Declared December 15, 2021– *Interim Public Works Director Jonathon Goldman*
13. Approve sponsorship of the Little League Opening Day Parade on Saturday, March 12, 2022 – *Town Clerk*
14. Approve Third Amendment to Ross Valley Fire Department Joint Powers Agreement – *Ross Valley Fire Chief Jason Weber*
15. Adopt a Resolution to appoint and approve contract for Interim Public Works Director – *Town Manager*

PUBLIC HEARINGS

16. Adopt a resolution denying the application for a Commercial Medical 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*
17. Adopt a Resolution Dismissing as Moot an Appeal of a Planning Commission denial of a Conditional Use Permit and Formula Business Conditional Use Permit for a medical cannabis storefront retail/adult use retail delivery-only business at 1930 Sir Francis Drake Boulevard – *Principal Planner Linda Neal, Town Attorney Janet Coleson*

18. *This item is continued to April 6, 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*

REGULAR AGENDA

19. Receive 2021-22 Mid-Year Budget Review Report and approve mid-year budget adjustments – *Finance Director Michael Vivrette, Interim Town Manager Adam Politzer*

20. Adopt a Resolution extending the current terms for Temporary Use Permits and Temporary Encroachment Permits to March 1, 2023, and direct staff regarding next steps Framework for Long-Term Outdoor Dining Structures – *Interim Public Works Director Jonathon Goldman*

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
In Memory of Ernie Legnitto
and
Jane Parisi**

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.

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.

Meetings are be 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 and that each of said postings was completed on or before February 25, 2022.

/s/