



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, **May 4, 2022**, at 7:00 pm

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

Women's Club, 46 Park Road, Fairfax, CA

#### ADVISORY NOTICE

This meeting will be held in-person, and consistent with AB 361 during the declared state of emergency, the 7pm meeting is also being held virtually on Zoom. It will be broadcast on Channels 27 and 99, and livestreamed on <https://www.townoffairfax.org/watch-live-2/> or <https://www.cmcm.tv/27>

#### How to Participate in the meeting in-person:

- \* Stay home if you are experiencing COVID-19 symptoms
- \* Face coverings are strongly recommended for attendees
- \* All attendees are encouraged to be fully vaccinated.
- \* Attendance will be limited to 50 percent of room capacity (no more than 96 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead.

#### How to participate in the meeting virtually:

- \* Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- \* Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.
- **Zoom: Webinar ID 880 3100 1183** or join <https://us02web.zoom.us/j/88031001183>
- **By telephone:** +1(669) 900-9128. 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 unmuted when it is your turn.

**Before 3:00 pm** on the day of the meeting you may **email** written comments to the Town Council to read and consider. All emails are part of the meeting record.

#### Special Meeting at 6:30 PM (in-person only)

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

1. Interview applicant for Artist in Residence position and make appointment as appropriate – *Recreation and Community Services Manager Anne Mannes*

#### Regular Meeting at 7:00 PM (in-person and zoom hybrid)

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

#### APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

#### 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.

### **PRESENTATION**

Meet and Greet with Marin County Supervisor Katie Rice

### **OPEN TIME FOR PUBLIC EXPRESSION** (Up to 30 minutes)

*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). If there are still raised hands after 30 minutes, Open Time will be continued to the end of the agenda.*

### **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.*

1. Adopt Resolution Allowing for In-Person, Hybrid Teleconferenced, or Fully Teleconferenced Meetings of All Legislative Bodies Pursuant to the Provisions of AB 361 – *Town Attorney Janet Coleson*
2. Receive Financial Statement and Disbursement Reports March 2022 – *Finance Director Michael Vivrette*
3. Approve minutes for the Town Council meetings of March 11 and 30, and April 6, 2022 – *Town Clerk*
4. Receive written report on Councilmembers' assignments, committees, and activities in April – *Administrative Analyst Lorena Barrera*
5. Receive Monthly Recreation and Events Calendar for May 2022 – *Recreation and Community Services Manager Anne Mannes*
6. Adopt a Resolution Confirming the Continuing Existence of a Local Emergency at or Near 195 Pine Drive, Fairfax, and Continuing Authorization for the Emergency Procurement of Materials and Labor without Competitive Bidding – *Interim Public Works Director Hamid Shamsapour*
7. Receive Town Treasurer Quarterly Report for Quarter Ending March 31, 2022 – *Town Treasurer Janet Garvin*
8. Endorse Marin County Measure 'A' Parks – *Town Manager Heather Abrams*
9. Adopt Resolution Adopting a Flag Display Policy – *Administrative Analyst Lorena Barrera*
10. Approve Amendment #4 to Agreement with Fredric C. Divine Architects (FCDA) in an amount not to exceed \$377,000 for additional design and structural engineering services required for the Pavilion Seismic Retrofit project and for the Pavilion Electric Kitchen project– *Town Manager Heather Abrams*
11. Proclaim the First Friday in June 2022 National Gun Violence Awareness Day – *Town Clerk*

12. Approve concept of \$2,000 donation to Marin Countywide gun buyback effort – *Town Manager Heather Abrams*
13. Introduce an Ordinance Authorizing a Special or Military Equipment Use Policy for the Fairfax Police Department Pursuant to California Assembly Bill 481 – *Chief of Police Tabaranza, Town Attorney Janet Coleson*
14. Receive Quarterly Financial Report on Department of Recreation and Community Services from January through March 2022– *Recreation and Community Services Manager Anne Mannes*
15. Receive update on Long-Term Outdoor Dining – *Town Attorney Janet Coleson, Town Manager Heather Abrams*
16. Receive report on the schedule for the Fiscal Year 2022-23 Proposed Operating and Capital Improvement Budget – *Town Manager Heather Abrams, Finance Director Michael Vivrette*

**REGULAR AGENDA** (Times listed are only approximate)

17. Direct Town resources to review and draft a rent stabilization ordinance, and direct staff regarding which recommended option to pursue at this time – *Town Attorney Janet Coleson, Town Manager Heather Abrams (60 minutes)*

**PUBLIC HEARINGS** (Times listed are only approximate)

18. ***This item is continued to June 1, 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*

19. Introduce an Ordinance Amending Town Code Title 17 (Zoning), Chapters 17.008 ('Definitions'), 17.052 ('Off-Street Parking and Loading Requirements'), Chapters 17.076 ('rs-7.5 Single-Family Residential Zone, Medium Density'), 17.080 ('rs-6 Single-Family Residential Zone, High Density'), 17.124 ('UR Upland Residential Zone'), Incorporating a Definition of "Short Term Housing", Providing Parking Regulations for Said Short Term Rental Use and Including Short Term Rentals as Permitted Uses in All Single-Family Residential Zone Districts; and

Introduce an Ordinance Adding Chapter 5.57 of the Fairfax Town Code, entitled “Short-Term Rental Program”; and

Adopt a Resolution Establishing Policies and Procedures for the Administration of the “Short-Term Rental Program” as Set Forth in Fairfax Town Code Chapter 5.57.

This item is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §§ 15061(b)(3) and 15301(a) – *Town Attorney Janet Coleson (45 minutes)*

**REGULAR AGENDA** (Times listed are only approximate)

20. Introduce and read by title only an Ordinance Amending Section 2.08.010 (“Council Meetings”) of the Town Code to set a 6:30 p.m. start time for Town Council regular meetings; not subject to CEQA, CEQA Guidelines Sections 15060(c)(3), 15378, and 15061(b)(3) – *Town Clerk (10 minutes)*

21. ***This item is continued to June 1, 2022.***

Introduce an Ordinance Regulating the Use of Gasoline-Powered Landscape Equipment – *Climate Action Coordinator Sean Youra, 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 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](http://www.townoffairfax.org) and that each of said postings was completed on or before April 29, 2022.

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/s/