



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, **June 1, 2022**, at 7:00 pm

#### VIA TELECONFERENCE ONLY

Preceded by a Special Meeting in Closed Session at 6:15 pm

#### ADVISORY NOTICE

This Meeting will be held virtually for the protection of public health and safety, consistent with AB 361 during the declared state of emergency. 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:** Zoom Webinar ID 880 3100 1183

\*Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment:  
<https://us02web.zoom.us/j/88031001183>

\*Dial in to Zoom's telephone number +1(669) 900-9128 or +1(346) 248-7799 and press \*9 to provide verbal public comment.

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

#### **Special Closed Session at 6:15 pm**

Zoom Webinar ID 864 4177 6432 <https://us02web.zoom.us/j/86441776432>

**6:15 PM – CALL TO ORDER – ROLL CALL– APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

#### **PUBLIC COMMENT ON CLOSED SESSION ONLY**

*Public comment will be received on the closed session matter listed below before the Council adjourns to the closed session.*

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTER:

CONFERENCE WITH LABOR NEGOTIATORS

Government Code section 54957.6

Agency Designated Representatives: Town Manager Heather Abrams, Finance Director Michael Vivrette, HR Consultant Deborah Muchmore, Town Attorney Janet Coleson

Employee Organization: Fairfax Police Officers' Association

#### **Regular Meeting at 7:00 PM**

Zoom Webinar ID 880 3100 1183 <https://us02web.zoom.us/j/88031001183>

**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.

**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 April 2022 – *Finance Director Michael Vivrette*
3. Receive written report on Councilmembers' assignments, committees, and activities in May – *Administrative Analyst Lorena Barrera*
4. Adopt a Resolution Declaring the Existence of a Local Emergency at or near 195 Pine Drive, Fairfax, and Authorizing the Emergency Procurement of Materials and Labor Without Competitive Bidding, Superseding Emergency Resolution 22-21– *Interim Public Works Director Hamid Shamsapour*
5. Adopt five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2022-23 – *Finance Director Mike Vivrette, Town Clerk Michele Gardner*
  - a. Resolution Setting the Amount of \$205 for the Special Municipal Services Tax for Fiscal Year 2022-23
  - b. Resolution Setting the Utility Users' Tax Rate of 4% for Fiscal Year 2022-23
  - c. Resolution Setting the Pension Tax Rate of \$.091 per \$100 of assessed valuation to Support Fairfax Pension Obligations for Fiscal Year 2022-23
  - d. Resolution Setting a Fee of \$15 per run-off unit for the Purpose of Funding Local Stormwater Pollution Prevention Activities for Fiscal Year 2022-23

- e. Resolution Setting the Tax Rate of \$.0250 per assessed valuation for the general obligation bonds
6. Adopt a Resolution Confirming and Levying the Ross Valley Paramedic Authority (RVPA) Tax in the amount of \$91.50 for Fiscal Year 2022-23 – *Town Clerk Michele Gardner*
  7. Adopt a Resolution Authorizing the Temporary Closure of Certain Streets for the Fairfax Festival and Parade on June 11-12, 2022, and approve sponsorship of the closure – *Town Clerk Michele Gardner*
  8. Adopt a Resolution Approving an Agreement with the Marin Open Space Trust to Fund the Purchase of Two Undeveloped Parcels on Upper Ridgeway Avenue to Preserve Open Space and Authorizing the Town Manager to Execute the Agreement and Take All Necessary Actions to Complete the Purchase – *Town Attorney Janet Coleson*
  9. Second Reading and Adoption of Ordinance Authorizing a Special or Military Equipment Use Policy for the Fairfax Police Department Pursuant to California Assembly Bill 481 – *Chief of Police Rico Tabaranza, Town Attorney Janet Coleson*
  10. Second Reading and Adoption of 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 Michele Gardner*
  11. Adopt a Resolution Continuing Expenditures and Revenues in Accordance with the FY 2021-22 Town Budget and Continuing the FY 2022-23 Town Budget Adoption – *Town Manager Heather Abrams, Finance Director Mike Vivrette*
  12. Adopt Resolution Approving the List of Projects Funded by SB 1: the Road Repair and Accountability Act – *Interim Public Works Director Hamid Shamsapour*
  13. Adopt a Resolution Electing to be Exempt from the Congestion Management Program (“CMP”) – *Interim Public Works Director Hamid Shamsapour*
  14. Authorize Mayor to submit letter to the State Legislature in opposition to a revised proposed trailer bill released in connection with the State’s May Budget Revision regarding “insufficient Educational Revenue Augmentation Fund (ERAF) backfills” – *Town Manager Heather Abrams*
  15. Authorize Mayor to send letter to the State Legislature opposing Assembly Bill 2011 (Wicks) Affordable Housing and High Road Jobs Act of 2022 (as amended 4/18/22) – *Town Manager Heather Abrams*
  16. Authorize Mayor to send a letter to the State Legislature in support of a one-time allocation of \$1.6 billion in fiscal year 2022-23 to establish a housing and economic development program, implement organic waste recycling regulations, and reimburse local governments for unfunded, State-mandated programs – *Town Manager Heather Abrams*
  17. Adopt a Resolution Proclaiming June 2022 as LGBTQ+ Pride Month and Approving Flying the Pride Flag at Town Hall for the Month of June – *Town Clerk Michele Gardner*

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

**18. *This item is continued to July 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*

19. Discuss/consider the Fiscal Year 2022-23 Proposed Operating and Capital Improvement Budget and provide direction to staff –*Town Manager Heather Abrams, Finance Director Michael Vivrette (30 minutes)*
20. 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 Rental**", 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 of Town Council of the Town of Fairfax Adding New Chapter 5.57 Entitled "Short-Term Rental Program"; and Adopt a Resolution Adopting 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)*
21. Introduce an ordinance of the Town of Fairfax adding Chapter 5.58 entitled "**Outdoor Dining**" to Title 5 of the Fairfax Town Code; introduce an ordinance of the Town of Fairfax amending Town Code Chapter 12.32 ("Temporary Carports and other Structures in the Public Rights-of-Way") to include separate processes for granting encroachment permits for residential structures from commercial outdoor dining structures, amending Section 12.32.020 to regulate only residential structures and adding Section 12.32.025 to regulate commercial structures and amending Chapter 17.096 ("CH Highway Commercial Zone"), Section 17.096.040 ("Principal Permitted Uses and Structures") and Chapter 17.100 ("CC Central Commercial Zone"), Section 17.100.040 ("Principal Permitted Uses and Structures") to allow outdoor dining as a permitted use and outdoor dining enclosures with an encroachment permit issued by the Public Works Department for commercially developed properties in the CH and CC zone districts; and adopt a resolution of the Town of Fairfax adopting "Outdoor Dining Standards" and find it exempt from CEQA pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. –*Town Manager Heather Abrams, Building Official Mark Lockaby (30 minutes)*

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

22. Introduce by title only an Ordinance Regulating the Use of Gasoline-Powered Landscape Equipment. This item is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061 – *Climate Action Coordinator Sean Youra, Town Attorney Janet Coleson (20 min)*

**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, Lorena Barrera, Administrative Analyst 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 May 27, 2022.

\_\_\_\_\_  
/s/