



TOWN OF FAIRFAX

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

AGENDA

REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, September 7, 2022, at 6:30 pm

In-person at the Fairfax Women's Club, 26 Park Road

and via Zoom teleconference

Preceded by a **Special Meeting** to Conduct Interviews at 6:00 pm

Preceded by a **Special Meeting in Closed Session** at 5:00 pm at Town Hall, 142 Bolinas Road

HYBRID MEETING ADVISORY NOTICE

This meeting will be held in person and, consistent with AB 361 during the declared state of emergency, the 6:30 pm 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 limited to 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 remotely:

*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. Zoom Webinar ID 880 3100 1183.

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 5:00 pm, Fairfax Town Hall, 142 Bolinas Road

5:00 PM – CALL TO ORDER – ROLL CALL– APPROVAL OF AGENDA – PUBLIC COMMENT

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 Organizations: Fairfax Police Officers' Association, Service Employees Union International ('SEIU') Local 1021; Unrepresented Employee Units

Special Meeting at 6:00 PM to Conduct Interview

Women's Club, 46 Park Road

6:00 PM – CALL TO ORDER – ROLL CALL

1. Interview and consider appointment of applicant Kelly Newman to the Climate Action Committee – Town Clerk

Regular Meeting at 6:30 PM

Women's Club and Zoom Webinar ID 880 3100 1183

<https://us02web.zoom.us/j/88031001183>

6:30 PM – CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

REPORT OUT ON CLOSED SESSIONS of August 9 and September 7, 2022

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

Community Workshop - Housing Element Sep. 10 at the Pavilion, 2-4 pm. No registration required.

Vacancies on Boards and Commissions: Apply on the Town website, or by contacting Town Clerk Michele Gardner, mgardner@townoffairfax.org.

▪ **Planning Commission – September 15 deadline to apply!**

- Climate Action Committee
- Parks and Recreation Commission
- Volunteer Board
- Open Space Committee

INTRODUCTIONS

1. Introduction of new Public Works Director Loren Umbertis – *Town Manager Heather Abrams*
2. Proclamation for Camille Esposito – *Mayor Hellman*

COMMUNITY FORUM (80 minutes approximately)

3. Rent Stabilization and Just Cause Eviction Forum – *Interim Planning and Building Services Director David Woltering, Town Attorney Janet Coleson, Town Manager Heather Abrams*

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 2 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 (10 minutes approximately)

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. Adopt Resolution Allowing for In-Person, Hybrid Teleconferenced, or Fully Teleconferenced Meetings of All Legislative Bodies Pursuant to the Provisions of AB 361 – *Town Clerk Michele Gardner*
5. Receive Financial Statement and Disbursement Reports July 2022 – *Finance Director Michael Vivrette*
6. Approve minutes for the July and August 2022 Town Council meetings – *Town Clerk Michele Gardner*
7. Receive written report on Councilmembers' assignments, committees, and activities in August – *Administrative Analyst Lorena Barrera*
8. Adopt 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 – *Public Works Director Loren Umbertis*
9. Reappoint Sam Silverstein to the Volunteer Board – *Town Clerk Michele Gardner*
10. Biennial review of the Conflict of Interest Code and adoption of Resolution Confirming Biennial Review of the Conflict of Interest Code (Form 700 filers) with Amendment to include the Climate Action Coordinator on the List of Designated Positions – *Town Clerk*
11. Receive Report on Fairfax Volunteers Town-wide Picnic September 18, 2022 – *Recreation and Community Services Manager Maria Baird*
12. Authorize the Town Manager to execute agreement with Miller Pacific Engineering Group to conduct geotechnical investigation of retaining wall at 560 Bolinas – *Public Works Director Loren Umbertis*
13. Receive report on work completed to date on the Diversity, Equity and Inclusion Initiatives for Fairfax – *Administrative Analyst Lorena Barrera*
14. Adopt Resolution Recognizing Racism as a Public Health Crisis – *Administrative Analyst Lorena Barrera*
15. Adopt an ordinance adding Chapter 5.58 entitled "Parklets" to Title 5 of the Fairfax Town Code; adopt an ordinance 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 parklet 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 parklets as a permitted use and parklet enclosures with an encroachment permit issued by the Public Works Department for commercially developed properties in the CH and CC zone districts. 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, Interim Planning Director David Woltering*
16. Approve Responses to the 2021-2022 Marin County Civil Grand Jury Report entitled *Affordable Housing: Time for Collaboration* – *Town Manager Heather Abrams*

17. Adopt Proclamation to Designate September 2022 as Prostate Cancer Awareness Month – *Town Clerk*
18. Authorize Mayor to sign Letter of Support for the Fairfax Library Application to BayREN's Resilient Libraries Network Pilot – *Climate Action Coordinator Sean Youra*

PUBLIC HEARINGS (Times listed are only approximate)

19. ***This item is continued to October 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*
20. 75 Pine Drive; Request for a Driveway Width Variance to construct a new single-family residence and three car parking deck. (Permits for the construction previously approved by the Planning Commission at its 8/25/22 public hearing). Residential Single-family RS 6 Zone; Assessor's Parcel No. 003-101-06; Lauri Puchall and Turk Kauffman, applicants/owners; CEQA categorically exempt, § 15303(a). – *Principal Planner Linda Neal*
21. Adopt Resolution Adopting Fees for the Short-term Rental Program for Inclusion in the Master Fee Schedule – *Interim Planning Director David Woltering*

REGULAR AGENDA (Times listed are only approximate)

22. Receive Independent Auditor's Report for Fiscal Year 2020-21 – *Finance Director Michael Vivrette (15 minutes)*

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 Boris Kondratieff

This meeting is being adjourned to the next regular meeting being held on Thursday, October 6, 2022 at 6:30 pm.

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.

This meeting notice was posted in accordance with Government Code section 54954.2(a)(1) on or before September 2, 2022.