



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

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

In-person at the Fairfax Women's Club, 46 Park Road and via Zoom teleconference

#### 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
- \* All in-person attendees should socially distance as recommended by public health authorities. If all seats in the Chambers are 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.

#### 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

#### 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**

Join a Town Committee! There are vacancies on the Climate Action Committee, Parks and Recreation Commission, Volunteer Board, and Open Space Committee. See the [Town website](#) for details.

## **REGULAR AGENDA** (1 hour)

1. Adopt Ordinance Amending the Town's Zoning Code to Prohibit New Gas Filling (Service) Stations and Prohibit Expansion of Fossil Fuel Infrastructure for Existing Gas Filling (Service) Stations; CEQA categorically exempt; § 15307, § 15308 and § 15061(b)(3), and § 15300.2. – *Town Attorney Janet Coleson, Interim Planning and Building Services Director David Woltering*
2. Present Proclamation in Honor of Councilmember Renée Goddard – *Mayor Hellman*
3. Adopt a Resolution Reciting the Fact of the General Election held on November 8, 2022 – *Town Clerk Michele Gardner*
4. Administer Oath of Office to Newly Elected Public Officers – *Town Clerk Michele Gardner*
5. Reorganization of the Town Council: Selection of Mayor and Vice Mayor – *Town Clerk Michele Gardner*

## **BREAK** (15-20 min)

Reception for outgoing and newly elected Town officials

## **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.*

## **TOWN MANAGER'S REPORT**

### **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.*

6. 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*
7. Approve minutes for the October 6, 2022 Town Council meeting – *Town Clerk Michele Gardner*
8. Receive written report on Councilmembers' assignments, committees, and activities in November – *Administrative Analyst Lorena Barrera*
9. Receive Financial Statement and Disbursement Reports for October 2022 – *Finance Director Michael Vivrette*
10. Authorize the Mayor to send a letter to Governor Newsom and California Public Utility Commissioners reaffirming support for Net Energy Metering – *Town Clerk Michele Gardner*
11. 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. CEQA: exempt from the California Environmental Quality Act pursuant to section 15269(b)(d) of the State CEQA Guidelines. – *Public Works Director Loren Umbertis*

12. Adopt a resolution Authorizing the Town Manager to execute a purchase agreement with Gardenland Power Equipment for a new 48” all-electric mower for the Parks Maintenance Division in an amount not to exceed \$29,835 – *Public Works Director Loren Umbertis*
13. Second reading by title only and adoption of Ordinance transferring authority to review and grant exceptions to the residential and commercial driveway width and number regulations from the Town Council to the Planning Commission and expanding the variance language contained in the various residential and commercial zone districts to include driveway entrance variances; CEQA categorically exempt, § 15301(e) and 15303(a) and (c) and 15305. – *Principal Planner Linda Neal*

### **REGULAR AGENDA**

14. Second reading by title only and adoption of Ordinance to Adopt the 2022 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, with Local Amendments, and Adopting the 2021 Edition of the International Property Maintenance Code. CEQA: exempt from the California Environmental Quality Act pursuant to section 15061(b)(3), or in the alternative sections 15307 and 15308, of the State CEQA Guidelines. – *Building Official Mark Lockaby, Climate Action Coordinator Sean Youra, Interim Planning and Building Services Director David Woltering*
15. Second reading by title only and adoption of Ordinance to Adopt the 2022 California Fire Code, portions of the 2021 International Fire Code with certain local amendments and additions, and Appendix A of the 2021 International Wildland-Urban Interface Code. CEQA: exempt from the California Environmental Quality Act pursuant to section 15061(b)(3), or in the alternative sections 15307 and 15308, of the State CEQA Guidelines. – *Rob Bastianon, Sr. Fire Inspector, Ross Valley Fire Department*
16. Adoption of Urgency Ordinance Amending Chapter 17.048 of the Fairfax Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Determining the Ordinance to be Statutorily Exempt from CEQA – *Interim Planning and Building Services Director David Woltering, Heather Abrams, Town Manager*
17. *This item is continued to January 10, 2023.* 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.)

### **FUTURE AGENDA ITEMS**

Agenda Forecast

### **ADJOURNMENT**

**In memory of**

Ronald Funke, Beverly C. Ongaro, Judy Schriebman, and Brad Webster

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.

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