



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, April 5, 2023 at 6:30 pm

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

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

#### PUBLIC PARTICIPATION NOTICE

This meeting will be held in person and on Zoom. It will be broadcast on Channels 27 and 99 and livestreamed on <https://www.townoffairfax.org/watch-live-2/> and <https://www.cmcm.tv/27>.

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

Come to the Women's Club at 46 Park Road, Fairfax

#### 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 Meeting at 6:00 pm to Conduct Interviews and Make Appointments

Women's Club and Zoom Webinar ID 880 3100 1183

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

1. Interview and consider appointment of applicants to the Marin Commission on Aging and the Community Emergency Preparation Committee – *Town Clerk Michele Gardner*

#### 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.

## **ANNOUNCEMENT OF MARCH 17, 2023 CLOSED SESSION ACTION**

### **ANNOUNCEMENTS**

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

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

*This is the time to address the Council on matters **not** on the agenda. All comments are limited to 2 minutes, subject to the mayor's discretion. (Note: there is no extra time for groups.) 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 (2-minute limit for individuals and groups) on consent calendar items will occur prior to the Town Council's vote on the Consent Calendar.*

1. Receive Financial Statement and Disbursement Reports for February 2023 – *Finance Director Michael Vivrette*
2. Approve minutes for the December 2022 and January 2023 Town Council meetings – *Town Clerk Michele Gardner*
3. Receive written report on Councilmembers' assignments, committees, and activities in March 2023 – *Town Clerk Michele Gardner*
4. Adopt a Proclamation Proclaiming April 2022 Fair Housing Month – *Town Clerk Michele Gardner*
5. Adopt a Resolution in support of SB 252: Fossil Fuel Divestment Act – *Town Clerk Michele Gardner*
6. Authorize Mayor to send letter of opposition to SB 423 (Wiener) Streamlined housing approvals: multifamily housing developments: SB 35 (Chapter 366, Statutes of 2017) Expansion – *Town Clerk*
7. Approve request for the Town to sign on to a California Community Choice Association (CalCCA) letter urging the California Legislature to address the state's interconnection crisis and ensure timely and equitable access to the electrical grid – *Town Clerk Michele Gardner*
8. Adopt a Resolution Changing the Regular Meeting Place and Time of the Volunteer Board to the Women's Club at 5:00 p.m. – *Maria Baird, Recreation & Community Services Coordinator*
9. Adopt a Resolution Authorizing Town Manager to execute a contract with Trenchless Titan in an amount not to exceed \$65,725 for the replacement of Town Hall Sanitary Sewer Line – *Public Works Director Loren Umbertis*
10. Adopt a Resolution Directing the Issuance of a Notice of Completion for the Wreden Ave and Scenic Road Repair and Road Stabilization Projects – *Public Works Director Loren Umbertis*
11. Adopt an Ordinance Prohibiting the Sale of Polystyrene Foam Coolers and Ice Chests, and Adopt a Reusable Foodware Ordinance – *Climate Action Coordinator Sean Youra, Town Attorney Janet Coleson*

12. Designate Police Chief to make determinations of Public Convenience or Necessity for ABC License applications pursuant to CA Business & Professions Code Section 23958.4. – *Police Chief Tabaranza*
13. Adopt Resolution Approving Revised Publicly Available Pay Schedules Effective During Fiscal Years 2014-15 through 2020-21 and Clarifications of Fairfax Police Officers' Association Agreements for CalPERS Compliance – *Town Attorney Janet Coleson*
14. Authorize the Town Manager to execute an agreement with Peckham & McKenney, in an amount not to exceed \$26,750, for Recruitment Services for Planning & Building Services Director, in a form approved by the Town Attorney – *Town Manager Heather Abrams*
15. Adopt Resolution Accepting the Annual Progress Reports on the General Plan and Housing Element for Calendar Year 2022 – *Principal Planner Linda Neal*
16. Housing Element Update and Release of Public Review Draft Sixth Cycle Housing Element – *Town Manager Heather Abrams*
17. Receive Update on Workshop on the Just Cause Eviction Ordinance to be held May 6, 2023 – *Town Manager Heather Abrams*

**REGULAR AGENDA**

18. Receive Independent Auditor's Report for Fiscal Year 2021-22 – *Finance Director Michael Vivrette*
19. Review and approve Town Council Goals for 2023 – *Town Manager Heather Abrams*
20. Adopt a Resolution Authorizing the Display of Rainbow Flags during the Month of June 2023; authorize use of staff time to place flags; accept donation of flags for lamp posts; and authorize staff to paint a rainbow crosswalk – *Recreation and Community Services Coordinator Maria Baird; Town Manager Heather Abrams*
21. Consider the request from Fairfax Open Space Committee (FOSC) for Council to authorize donation of \$12,000 to Marin Open Space Trust (MOST) for their acquisition of Upper Hawthorne Canyon property in San Anselmo directly adjacent to Fairfax, and adopt Resolution making findings as appropriate – *Town Manager Heather Abrams*
22. Discuss/consider the Residents' Petition submitted per Town Code requesting repeal of Town Code Chapters 5.54 and 5.55, and direct staff as appropriate – *Town Manager Heather Abrams*
23. *This item is continued to May 3, 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.)

**TOWN MANAGER'S REPORT**

**FUTURE AGENDA ITEMS**

Agenda Forecast

**ADJOURNMENT**

*In memory of Jack Marsala, Neil Holland, Jean Trombla, Harry Ghiringhelli, and Jean Berensmeier*

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 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 March 31, 2023.