



TOWN OF FAIRFAX

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

AGENDA

REGULAR FAIRFAX TOWN COUNCIL MEETING

Wednesday, May 3, 2023 at 6:30 pm

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

Preceded by a Special Meeting in Closed Session at 5:00 pm at Town Hall

PUBLIC PARTICIPATION NOTICE

This meeting will be held in person and on Zoom. It will be broadcast on Channel 27 and livestreamed on <https://www.townoffairfax.org/watch-live-2/> or <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 in Closed Session at 5:00 pm

Fairfax Town Hall, 142 Bolinas Road, Fairfax

5:00 PM – CALL TO ORDER – ROLL CALL

PUBLIC COMMENT. *Public comment will be received in person on the closed session matter listed below before the Council adjourns to the closed session (closed to the public).*

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTER:

Public Employee Performance Evaluation

Govt. Code Section 54957

Title: Town Manager

Reporting on any action taken at the closed session will be done in open session at the beginning of the Town Council's regular meeting.

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 CLOSED SESSION ACTION, IF ANY

ANNOUNCEMENTS

[Online Workshop](#) on the Just Cause Evictions Ordinance: Saturday, May 6, from 10 am to 3 pm.

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.

PRESENTATION

1. Presentation of Proclamation in Memory of Jean Berensmeier – *Vice Mayor Coler*

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 3 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 (3-minute limit) on consent calendar items will occur prior to the Town Council's vote on the Consent Calendar.

2. Receive Financial Statement and Disbursement Reports for March 2023 – *Finance Director Michael Vivrette*
3. Approve minutes for February 1 and 15, 2023 Town Council meetings – *Town Clerk Michele Gardner*
4. Receive written report on Councilmembers' assignments, committees, and activities in April 2023 – *Town Clerk Michele Gardner*
5. Adopt Proclamation for a Day of Ukrainian Solidarity and Call for Peace – *Mayor Cutrano*
6. Adopt Proclamation for Asian American and Pacific Islander Month – *Mayor Cutrano*
7. Adopt Proclamation for Jewish American Heritage Month – *Mayor Cutrano*
8. Adopt Resolution Authorizing the Temporary Closure of Certain Streets for the Fairfax Festival and Parade on June 10-11, 2023, and approve sponsorship of the closure – *Town Clerk Michele Gardner*
9. Introduce Ordinance Amending Town Code Section 2.12.070(B)(3) to eliminate the requirement for Town Council ratification of appointment, removal or demotion of department heads by the Town Manager, and Finding the Action Exempt from CEQA. – *Town Manager Heather Abrams*

10. Adopt Resolution Approving the List of Projects Funded by SB 1: the Road Repair and Accountability Act – *Public Works Director Loren Umbertis*
11. Receive Recreation and Community Services Department Quarterly Financial Report for the January - March 2023 period – *Recreation and Community Services Manager Anne Mannes*
12. Receive Climate Action Update – *Climate Action Coordinator Sean Youra, Climate Action Fellow Paul Whang*
13. Receive report regarding Traffic Improvement Project at Cascade Drive at Cypress Drive and Hickory Road to improve safety to vehicles accessing Cascade Drive – *Public Works Manager Loren Umbertis*
14. Authorize the Town Manager to sign the amendment to the 1996 Revised Hazardous and Solid Waste Joint Powers Agreement County of Marin – *Town Manager Heather Abrams*
15. Authorize the Town Manager to prepare and submit the Fiscal Year 23-24 work plan to Marin County for the use of the Town’s Measure A park funds – *Town Manager Heather Abrams*

REGULAR AGENDA

16. Renew Ordinance No. 862 Authorizing the Special or Military Equipment Use Policy and Equipment Inventory for the Fairfax Police Department, and Accept the Annual Report on Use of Military Equipment in 2022, Pursuant to California Assembly Bill 481– *Police Chief Tabaranza, Town Manager Heather Abrams, and Town Attorney Janet Coleson*
17. Receive Status Report on Long-Term Outdoor Dining Structures and Provide Direction to Staff – *Building Official Mark Lockaby*
18. Receive Presentation Summarizing Public Comments on Public Review Draft Sixth Cycle Housing Element, provide direction on any changes needed, Authorize the Town Manager to send the updated Draft Sixth Cycle Housing Element incorporating those changes to the California Housing and Community Development Department (HCD) – *Town Manager Heather Abrams*
19. *This item is continued to June 7, 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 Susan Oberstein and Gary Graham

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. 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.

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.

This meeting notice was posted in accordance with Gov. Code section 54954.2(a)(1) on or before April 28, 2023.