



# Town of Fairfax Town Council Regular Meeting

Wednesday, August 2, 2023 | 6:30 p.m.

Preceded by a Special Meeting to Conduct an Interview at 6:00 p.m.  
Fairfax Women's Club, 46 Park Road, Fairfax CA

[Zoom Webinar ID 880 3100 1183](#)

## Agenda

### 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/> 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.

**Up until 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 to Conduct Planning Commission Interview at 6:00 p.m.**

Fairfax Women's Club, 46 Park Road, Fairfax

#### **6:00 PM – CALL TO ORDER – ROLL CALL– APPROVAL OF AGENDA**

1. Interview and Consider Appointment of Applicant to Serve on the Fairfax Planning Commission –  
*Deputy Town Clerk Christine Foster*

### **Regular Meeting at 6:30 p.m.**

Hybrid meeting at the Fairfax Women's Club and via [Zoom](#)

#### **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**

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.

Special thanks to:

- Paul Whang, for his service as our Climate Fellow
- Chris Borjian, for his service on the Parks and Recreation Commission
- Norma Fragoso, for her service on Planning Commission
- Phil Green, for his service on the Planning Commission

### **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. (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.

## **REGULAR AGENDA**

1. Accept Certificate of Sufficiency of Petition Entitled “Initiative Measure Repealing Fairfax Just Cause Eviction Ordinance and Replacing it with Just Cause Eviction Standards in the California Tenant Protection Act of 2019; and Repealing Fairfax Rent Stabilization Ordinance and Replacing it with a Mandatory Local Good-Faith Rent Mediation Process” and Consideration of Additional Council Actions Related to the Initiative – *Town Attorney Janet Coleson, Town Clerk Michele Gardner*
2. Discuss and introduce Ordinance Revising Town Code Chapters 5.54 ‘Just Cause Evictions’ and 5.55 ‘Rent Stabilization Program’ – *Town Attorney Janet Coleson*
3. Conduct a public hearing on the second reading by title only and adoption of an Ordinance Adding Chapter 15.17 “Gate Safeguards” to Title 15 “Buildings and Construction” of the Fairfax Municipal Code – *Building Official Mark Lockaby*
4. Receive the Marin Countywide Electric Vehicle Acceleration Strategy presentation from Christine O’Rourke, MCEP Sustainability Coordinator, and provide direction to staff on whether to develop a work plan as proposed in Appendix A of the EV Acceleration Strategy – *Climate Action Coordinator Sean Youra*

5. Authorize Town Manager to issue a Request for Proposals (RFP) for Street Sweeping Services for the Town of Fairfax – *Public Works Director Loren Umbertis*
6. Introduce 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 Manager Heather Abrams*
7. *This item is continued to September 6, 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*

**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) on consent calendar items will occur prior to the Town Council's vote on the Consent Calendar.*

8. Receive Financial Statement and Disbursement Reports for June 2023 – *Finance Director Michael Vivrette*
9. Approve minutes for the April 19 and May 3, 2023 Town Council meetings – *Town Clerk Michele Gardner*
10. Receive written report on Councilmembers’ assignments, committees, and activities in July 2023 – *Deputy Town Clerk Christine Foster*
11. Receive Status Report on the Sixth Cycle Housing Element Update – *Town Manager Heather Abrams*
12. Receive Climate Action quarterly update – *Climate Action Coordinator Sean Youra*
13. Receive Recreation and Community Services quarterly update – *Recreation and Community Services Manager Anne Mannes*
14. Adopt Resolution Setting a Regular Meeting Date, Time, and Place for the Community Emergency Preparedness Committee – *Town Clerk Michele Gardner, Deputy Town Clerk Christine Foster*
15. Reappoint Jody Timms to the Climate Action Committee – *Deputy Town Clerk Christine Foster*
16. Proclamation in support of Bidirectional Vehicles and Charging Equipment for Municipal Fleets – *Mayor Cutrano*
17. Adopt Resolution Setting the Living Wage for Town Employees and Town Contract Employees pursuant to the Annual Review Requirements of Section 8.56.020 of the Town Code – *Finance Director Michael Vivrette*

18. Receive notice of amendments to the employment agreement with Rico Tabaranza, Police Chief, for the period of July 1, 2023 through June 30, 2024 – *Town Manager Heather Abrams*
19. Authorize Town Manager to execute contract with Marin Heating to install new electric heating and cooling HVAC system in Woman’s Club in an amount not to exceed \$29,500 and include a 10% contingency of \$2,950 for a total of \$32,450 – *Public Works Director Loren Umbertis*
20. Award a bid and authorize Town Manager to execute a contract with RWR Construction, Inc in the amount of \$406,588 and include a 10% contingency for a total project cost of \$447,246 for the 145 Canyon Road Restabilization and Repaving project which is categorically exempt from review under CEQA Section 15301, Existing Facilities – Class I – *Public Works Director Loren Umbertis*

### **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**

### **ADJOURNMENT**

*In memory of Jules Emile Chourré, Jr. and Thomas Thibeau (former Town Hall electrician)*

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 Deputy Town Clerk prior to the meeting: (415) 453-1584 or [cfoster@townoffairfax.org](mailto:cfoster@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 Government Code section 54954.2(a)(1) on or before July 28, 2023.