



# TOWN OF FAIRFAX

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

## AGENDA

### REGULAR FAIRFAX TOWN COUNCIL MEETING

Fairfax Women's Club, 46 Park Road

Wednesday, December 6, 2017, at 7:00 p.m.

Preceded by a **Special Meeting in Closed Session at 6:00 p.m.** at Town Hall, 142 Bolinas Road

### SPECIAL MEETING, Fairfax Town Hall, 142 Bolinas Road, Fairfax

**6:00 PM – Call to order – Public comment – Adjourn to closed session on the following matters:**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957:

Title: Town Manager

PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957:

Title: Town Attorney

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit, and Unrepresented Management Employees

### REGULAR MEETING, Women's Club, 46 Park Road, Fairfax

**7:00 PM – Call to order the Regular Meeting - PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING**

**ANNOUNCEMENT OF CLOSED SESSION ACTION**

### 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

**Vacancies on Boards and Commissions: 1 on Volunteer Board.** Applications are available at Town Hall and on Town website. Contact Town Clerk for information.

Dec.9: Saturday 11 am-5 pm, **Fairfax Craft Faire** at the Pavilion.

Dec.10: Sunday 2-5 pm, **Holiday Caroling / Wreath-making / Potluck**, Women's Club.

The next Town Council meeting will be **TUESDAY, January 16<sup>th</sup>** (due to the winter furlough)

December 22<sup>nd</sup> through January 2<sup>nd</sup> **Town Hall offices closed**, reopening on January 3<sup>rd</sup>, 2018.

**Fairfax Food Pantry**, Saturdays 9-11am, Fairfax Community Church, 2398 SFD Blvd., volunteers needed.

## **REGULAR AGENDA**

1. Adopt a Resolution reciting the fact of the General Election held on November 7, 2017, declaring the result and such other matters as provided by law – Town Clerk
2. Proclamation in Honor of Councilmember David Weinsoff – Mayor Reed
3. Administer Oath of Office to newly elected Councilmembers – Town Clerk
4. Reorganization of the Town Council: Selection of Mayor and Vice Mayor – Town Clerk

## **BREAK**

**OPEN TIME FOR PUBLIC EXPRESSION** – To address the Council on matters not listed on the agenda, please approach the podium, and state your name and address (optional). Individuals have 3 minutes to speak; 5 minutes if representing a group. The Council is not permitted to take action and the right of the Council to discuss any unagendized item is strictly limited unless it can be shown to be of an emergency nature or the need to take immediate action arose after the posting of the agenda. (Gov. Code §54954.2)

## **CONSENT CALENDAR**

5. Accept Financial Statement and Disbursement Reports October 2017 – Finance Director
6. Receive Town Treasurer's Report as of June 30, 2017 – Town Treasurer
7. Approve minutes for the November 1, 2017 Town Council meeting – Town Clerk
8. Receive report on filling vacancy on Planning Commission – Town Clerk
9. Authorize Town Manager to sign lease agreement for purchase of two police vehicles – Chief Morin
10. Adopt resolution granting Town Manager authority to sign programmatic agreement and related documents for the Pavilion Seismic Retrofit project – Town Manager
11. Receive Marin Sanitary Services Third Quarterly report – Town Clerk
12. Approve contract with Maggiora & Ghilotti to perform pavement repair on Sir Francis Drake Boulevard from Marin Rd. to Oak Manor Dr. in an amount not-to-exceed \$44,000– Town Manager
13. Approve improvements to town-wide pedestrian trails (e.g., Tamalpais to Scenic) in an amount not to exceed \$75,000 – Town Manager
14. Authorize Mayor to send letter of opposition to the U.S. Senate Commerce Committee draft bill limiting local authority over wireless facilities, which would force local governments to lease out publicly owned infrastructure – Councilmember Coler
15. Notice of Amendment to Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) – Town Manager
16. Approve contract amendment No. 1 with the California Infrastructure Consultancy for Phase II preliminary engineering, community outreach, environmental, and design work for the replacement of the Azalea Avenue Bridge – Town Manager
17. Receive annual report on the Marin/Sonoma Mosquito & Vector Control District (MSMVCD) – Fairfax Representative to MSMVCD

18. Receive report on the preparation of a FAQ to address issues raised during the recent election period and schedule for discussion at a future Council meeting – Mayor Reed
19. Adopt Resolution Transferring Certain Streetlights to the Marin General Services Authority and Delegating Authority to the Director of Public Works to Transfer Streetlights on an Ongoing Basis – Town Manager

**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**

#### **PUBLIC HEARING**

20. Report on Study of Commercial Cannabis Uses and Adoption of an Urgency Interim Zoning Ordinance Extending for 10 Months and 15 Days the Temporary Moratorium on the Establishment, Creation or Expansion of Commercial Cannabis Uses, With Exceptions, Pending the Completion of Studies and the Preparation of an Update to the Town's Municipal and Zoning Codes. Effective from November 1, 2017 through October 31, 2018. CEQA categorically exempt, §§ 15060(c)(2), 15061(b)(3) and 15308. – Planning Director

#### **REGULAR AGENDA**

21. Discuss/consider review of a Use Permit to allow live music performances outdoors on a covered patio of an existing commercial establishment, Peri's Bar, 29 Broadway – Planning Director, Principal Planner
22. Introduce and read by title only an Ordinance Amending Chapter 9.28, Entitled "Social Host Accountability" of the Fairfax Municipal Code to Prohibit Loud or Unruly Gatherings Where Marijuana is Served to, Ingested by or in Possession of Underage Persons; Adding Party Buses and Limousines to the Gatherings where Loud and Unruly Parties are Prohibited; and Adding Participation and Graduation from a Juvenile Diversion Plan or Payment of a Civil Fine. CEQA Categorical Exemption, CEQA Guidelines Sections 15060(c)(3) and 15061(b)(3) – Town Manager, Councilmember Goddard
23. Appoint a Council representative to the Ross Valley Fire Board – Town Manager
24. Second reading by title only and adoption of an Ordinance to Amend the Town Municipal Code, Chapter 8.08 (Garbage and Rubbish Disposal), Section 8.08.050 (Duties of Owners and Occupants) to Require Source Separation of Recyclable and Compostable Materials from Solid Waste *which would ban organics and recyclables from residential landfill containers*; CEQA Categorical Exemption Class 8, CEQA Guidelines Sections 15060(c)(2), 15061 – Town Manager
25. Second reading by title only and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.44 of the Fairfax Municipal Code, Title 8, Entitled "Clean Indoor and Outdoor Air and Health Protection - Smoking Regulations" to Prohibit Smoking in Unenclosed Service Areas, Raise the Age to Purchase Tobacco Products and Require the Licensure of Tobacco Retailers to Ensure Compliance with Tobacco Control Laws *which would improve air quality and health in town*; CEQA Categorical Exemption, CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) – Town Manager

#### **FUTURE AGENDA ITEMS**

In accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request, other than the Town Council providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**  
**In Memory of Diane Hoffman**

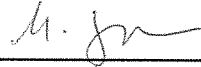
If any of the matters described above is challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting.

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 on the public counter at Town Hall in a folder next to the agenda packet. Such documents are also available on the Town's Web site at "townoffairfax.org" subject to staff's ability to post the documents before the meeting.

Meetings may be broadcast, recorded, and uploaded to the Town's website.

I, Michele Gardner, Town Clerk of the Town of Fairfax, County of Marin, State of California, do hereby certify that I posted a copy of this Agenda at three public places in the Town of Fairfax, to wit: 1) Bulletin Board, Town Hall Offices; 2) Bulletin Board, Fairfax Post Office, and 3) Bulletin Board, Fairfax Women's Club and that each of said postings was completed on or before December 1, 2017.



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