

Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, November 1, 2017

The regular meeting was preceded by a Closed Session from 6:16 p.m. to 7:00 p.m.

Public Employee Performance Evaluation pursuant to Government Code Section 54957: Title: Town Manager

Mayor Reed called the Regular meeting to order 7:00 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Amanda Charne, Assistant Town Attorney
Michael Vivrette, Finance Director
Ben Berto, Planning Director
Roger Meagor, Fire Chief

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Goddard, Motion to approve the agenda and Affidavit of Posting.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Announcement of Closed Session Action and Special Meeting Action

Mayor Reed announced there was nothing to report.

Announcements

Mayor Reed made the announcements as they appeared on the agenda. Councilmember Coler reported there were 104 Marin Clean Energy Deep Green Incentive Program sign-ups in Fairfax- enough for six more signups.

Open Time

Mr. Sierra Salin expressed his ideas on the community discussion of the local charter school.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report and discussed upcoming programs including the Senior Faire.

Ms. Diana Perdue, Fairfax, discussed the need for better transparency in government. She opposed the proposal to rezone the downtown from Highway Commercial (CH) to Central Commercial (CC).

Ms. Cindy Swift, Fairfax CERT Coordinator, announced the November 11th and 12th CERT classes were full. She asked for an update on the storm damage road repairs.

Ms. Deborah Benson, Cascade Drive, had questions about planning department consultant costs and reimbursements.

Mr. Tom O'Neill, Fairfax, stated he donated about \$1,400 to the victims of the recent wildfires through the sale of his homemade preserves. He thanked the people who bought them.

Lisel thanked Councilmember Goddard for continuing to meet with the community about traffic calming measures.

Presentation

Fire Safety and Prevention in Fairfax- *Fire-Wise Marin and Ross Valley Fire Department*

Town Manager Toy introduced Ross Valley Fire Department Acting Chief Roger Meagor, who introduced FireSafe Marin Coordinator Todd Lando.

Coordinator Lando gave a PowerPoint presentation.

Chief Meagor and Coordinator Lando answered questions from the Council.

Ms. Mallory Geithem, Willow Avenue, asked if the paths between blocks were kept clear.

Mr. Michael Mackintosh agreed that the paths and trails should be kept clear. He was opposed to letting the San Geronimo Golf Course going fallow.

Ms. Wendy Botwin stated construction on Sir Francis Drake Boulevard that backed up traffic could be a problem during an evacuation.

Ms. Helen Fauss referred to the suggestion to organize by neighborhoods and was concerned that people would be left out.

Mr. Larry Bragman, Fairfax, stated the Marin Municipal Water District is pro-active with vegetation clearing. He suggested the siren system could be integrated into the early warning system. He asked whether the MMWD fee for vegetation management qualified for a FireWise community minimum dollar amount.

The Council took a 15-minute break at 8:45 p.m.

Consent Calendar

1. Accept Financial Statement and Disbursement Reports September 2017- *Finance Director*
2. Approve minutes for the October 4, 2017 Town Council meetings- *Town Clerk*
3. Approve Town Council Meeting schedule for calendar year 2018- *Town Clerk*

4. Reappoint Monty Stephens to another full term on the Parks and Recreation Commission-
Town Clerk
5. Approve contract to replace the existing flashing light crosswalk system at Sir Francis Drake
Boulevard and Oak Tree Lane- Town Manager
6. Authorize Councilmember Coler to send a letter to Jack Broadbent, Executive Officer of the
Bay Area Air Quality Control Management District (BAAQMD) to inform him of the
completion of our incentive program and to thank him for the funding- Councilmember Coler
7. Adopt resolution restating and reconfirming the Town of Fairfax is NOT exploring or
considering the closure of Bolinas Road- Councilmember Goddard
8. Approve sponsorship of screening of Not in Our Town movie- Councilmember Goddard
9. Approve the Notice of Completion for the Tamalpais/Mountain View Pavement Rehabilitation
Project- Town Manager

Councilmember Coler had a quick comment on item #5.

Mr. Frank Egger, Meadow Road, referred to item #7, and stated the closure of Bolinas Road was mentioned in the General Plan and asked if it would be amended.

Ms. Deborah Benson, Cascade Drive, had a question about the Town Center Element.

M/S, Weinsoff/Lacques, Motion to approve the Consent Calendar as submitted.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

It was the consensus of the Council to move the Council Reports and Comments and Town Manager's Report to the end of the meeting.

Public Hearings

10. Adopt an Urgency Interim Zoning Ordinance of the Fairfax Town Council, pursuant to
Government Code Section 65858, to Place a Moratorium in All Zoning Districts on the
Establishment, Creation or Expansion of All Medical and Adult-Use Commercial
Cannabis Activities with Exceptions; CEQA Categorical Exemption Class 8, CEQA
Guidelines Sections 15060(c)(2), 15061- Town Manager, Planning Director

Planning Director Berto presented a staff report. He noted that there was a supplement to the item that included a change to the ordinance on page 4, as follows:

C. This moratorium does not apply to the establishment or operation of a medical marijuana dispensary, including cannabis delivery services if any, in full compliance with Chapter 17.110 of the Fairfax Municipal Code, the conditions of dispensary's conditional use permit, and state law.

He answered questions from the Council.

Mayor Reed opened the Public Hearing.

Colleen stated the Council's progressive approach is refreshing. Cannabis is medicine.

Mr. Michael Strauss, Marshall, has been in the sustainable agriculture business for 25 years and recently added cannabis in order to provide patients and consumers clean, pesticide-free

medicine. He supported allowing more dispensaries during the moratorium.

Mr. Lew Tremaine, speaking on behalf of the Marin Alliance for Medical Marijuana, congratulated the Council for maintaining local control. He supported the ordinance.

Ms. Lynette Shaw, owner of the Marin Alliance, commended the Town for their support. She discussed recent legislation regarding State ID cards, State and local taxes, and licensing.

Ms. Lisa Tabb, Fairfax, stated as a mother she was concerned about the Town allowing numerous dispensaries and the effect it would have on local youth.

Ms. Kelsey Fernandez, Fairfax, supported the moratorium and encouraged the Council to extend it to one year. She was concerned about the impact of cannabis shops on local youth.

Mr. Don Carney, Mountain View Road, supported the moratorium. He was concerned that the corporatization of marijuana normalized it, leading to a drop in the perception of harm, which resulted in increased use. He discussed his work with youth who used drugs.

Ms. Bridget Clark, representing a coalition for youth, supported the moratorium. She noted that the Marin youth use rate is even higher than the California youth use rate.

Mayor Reed closed the Public Hearing.

M/S, Coler/Goddard, motion to adopt an Urgency Interim Zoning Ordinance of the Fairfax Town Council, pursuant to Government Code Section 65858, to Place a Moratorium in All Zoning Districts on the Establishment, Creation or Expansion of any and All Commercial Cannabis Uses with exceptions effective immediately from and including November 1, 2017 through and including December 16, 2017 unless extended by further action of the Town Council, including the supplemental revision.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Goddard, motion to hear agenda item #12 prior to #11.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Regular Agenda

12. Introduce and read by title only 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

Town Manager Toy presented a staff report.

Councilmember Coler noted she had submitted the changes to the ordinance which were contained in the supplement, and requested language be added to reflect the exception of active duty military personnel aged 18 years or older with a US Armed Forces identification card to Sections 8.44.200 (D) and (K).

Ms. Mallory Geithem, Willow Avenue, stated smoking in the outdoor patios should not be allowed, as it made it difficult to walk in front of Peri's or 19 Broadway.

A woman agreed with Ms. Geitheim. She asked why smoking is allowed at all when it pollutes the air.

A representative from the Smoke Free Marin Coalition stated many people in the educational system were alarmed by the increase in flavored tobacco and other products marketed to youth. She discussed smoking cessation resources.

M/S, Coler/Weinsoff, Motion to introduce and read by title only 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, with the two amendments requested for Exhibit A, Section D, and under Section K2, and including the supplement provided by staff.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Councilmember Weinsoff requested that once the ordinance was adopted, a copy be sent to those individuals who had written letters in opposition to and in support of it.

Public Hearing

11. Introduce and read by title only 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 I, CEQA Guidelines Sections 15060(c)(2), 15061- Town Manager

Town Manager Toy presented a staff report.

Councilmember Goddard noted that if food waste were a country it would be the third largest emitter after the US and China.

In response to Councilmember Coler's concern that residents in multi-family complexes would not receive the individual compost pails, Councilmember Goddard stated that property managers could call Marin Sanitary Service who would bring pails and provide training. Councilmembers Coler suggested Marin Sanitary reach out to the property managers instead.

Vice Mayor Lacques noted that kitchen pails were the key to success in compost programs, and compost programs make a big difference.

Mayor Reed opened the Public Hearing.

Mr. Richard Applebaum, Woodland Avenue, asked clarifying questions about the enforcement and pails.

Mayor Reed closed the Public Hearing.

M/S, Goddard/Lacques, Motion to Introduce and read by title only 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 with the amendments contained in the supplement.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Regular Agenda

13. Introduce and read by title only an Ordinance Adding Chapter 5.52 Entitled "Income-Based Rental Housing Discrimination" to the Fairfax Municipal Code, Title 5, to Increase Affordable Housing Opportunities in the Town which would prohibit landlords from discriminating against prospective renters solely on the basis that a portion of their rent was guaranteed by a third party subsidy such as a Section 8 housing voucher, CEQA Categorical Exemption Class 8, CEQA Guidelines Sections 15060(c)(2), 15061- Town Manager

Town Manager Toy presented the staff report. He noted there was a supplement with an amended ordinance. He answered questions from the Council.

Councilmember Coler was concerned that one of the proposed changes would allow a landlord to add conditions. She was also concerned about deleting the language regarding "aggregate income".

Vice Mayor Lacques was concerned that the "aggregate income" language would force a landlord to rent to a group of unrelated people.

Councilmember Goddard supported adding back the language regarding "aggregate income". She asked about limits on the number of tenants a landlord was forced to accept.

Ms. Deborah Benson, Cascade Drive, was opposed to the "aggregate income" language, and was concerned the ordinance was already infringing on private property rights.

Lisel, Pacheco Avenue, supported the ordinance. She was concerned about the issue of multiple tenants and noted house-sharing is not only common but necessary given the current rental market.

Wendy stated she appreciated the Council working on this.

Ms. Rebecca Camiccia, manager of the Lanai Apartments, stated she understood there were guidelines for limits on the number of tenants, which she would send to the Clerk.

M/S, Coler/Goddard, Motion to continue this item to next month and ask staff to return with information and ordinance language.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Lacques, Motion to waive the 11:30 p.m. rule.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

14. Second reading by title only and adoption of an Ordinance Amending Chapter 17.48 of the Fairfax Town Code Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (Formerly Residential Second Units and Junior Second Units) and Amending Chapters 17.076, 17.080, 17.084, 17.088, 17.116 and 17.124 to Make Conforming Changes, including Exhibit A: Proposed Town Code Chapter 17.048 to bring Town code pertaining to Accessory Dwelling Units into compliance with State law; exempt from CEQA Public Resources Code Section 21080.17 and Class 1 Categorical Exemption- Planning Director, Town Manager

Town Manager Toy presented the staff report and noted that staff had corrected the clerical error to 120 months on page 8.

Mr. Frank Egger, Meadow Way, asked how many second units Fairfax wanted or needed.

M/S, Coler/Weinsoff, Motion to waive second reading by title only and adopt an Ordinance Amending Chapter 17.48 of the Fairfax Town Code Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (Formerly Residential Second Units and Junior Second Units) and Amending Chapters 17.076, 17.080, 17.084, 17.088, 17.116 and 17.124 to Make Conforming Changes, including Exhibit A: Proposed Town Code Chapter 17.048 to bring Town Code pertaining to Accessory Dwelling Units into compliance with State Law, including the administrative correction.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

15. Second reading by title only and adoption of an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations; Class 3 CEQA Categorical Exemption- Planning

Planning Director Berto presented the staff report.

The Mayor opened public comment and, seeing none, closed it.

M/S, Weinsoff/Lacques, Motion to adopt of an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/ Weinsoff, Motion to continue the Council Reports and Comments and Town Manager Report.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Goddard, Motion to adjourn the Council meeting at 11:45 p.m. in memory of Mr. Richard Grossbaum, Mr. Bill Bradbury, and Mr. David Freitas.

AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Respectfully submitted,

Toni DeFrancis
Recording Secretary