

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, November 7, 2018

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

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques
John Reed

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Michael Vivrette, Finance Director
Chris Morin, Chief of Police
Rico Tabaranza, Police Lieutenant

Approval of Meeting Agenda and Affidavit of Posting

Vice Mayor Coler noted she needed to recuse herself from Consent Calendar item #6.

M/S, Coler/Reed, Motion to approve Affidavit of Posting and the agenda with a separate vote on Consent Calendar item #6

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

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. Councilmember Coler announced that Fairfax had 157 sign-ups for the Marin Clean Energy Deep Green Incentive Program.

Introduction and Oath of Office

1. Introduction and swearing in of Officers Eric Conrado and Lorenzo Kenerly- Police Chief, Town Clerk

Town Clerk Gardner administered the Oath of Office to Officers Conrado and Kenerly.

Presentations

2. Certification of appreciation to Yvonne Roberts for her service on the Age-Friendly Task Force- Vice Mayor Coler

Vice Mayor Coler presented Ms. Roberts with a Certificate of Appreciation.

Open Time

Ms. Yvonne Roberts, representing the Manor Hill Fire Wise Group, asked the Council to support adding another Fire Fighter to the department.

Ms. Mallory Geitheim, Willow Avenue, stated people do not know that “compostable” utensils cannot be composted here. She asked about the status of a ban on plastic straws. She asked if the Town could install a dog park under the Contratti Field scoreboard.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. The next Commission meeting will be December 6th. She also reported on the activities of the Fairfax Age-Friendly Task Force, Age Friendly Forum, Age-Friendly Fridays at the Library

Mr. Mark Bell, Dominga Avenue, stated the music from the Farmers Market and the Town Picnic violated the Noise Ordinance.

Wendy, Fairfax, stated her there were contractor signs covering some fire hydrants, and she announced a forum on immigrants’ rights.

Consent Calendar

3. Accept Financial Statements and Disbursement Reports September 2018- Finance Director
4. Accept Treasurer’s Report as of September 30, 2018- Town Treasurer
5. Approve minutes for the August 15 and October 3, 2018 Town Council meetings-Town Clerk
6. Authorize Town Manager to defer fees and permits for the Victory Village Senior Affordable Housing project in an amount not to exceed \$210,000- Town Manager
7. Authorize the Town Manager to secure professional design services for ADA and parking lot improvements for the Parkade in downtown- Town Manager
8. Authorize Mayor to send a letter in opposition to FCC rules regarding franchise fee deductions for cable companies- Town Manager

Ms. Patti Breitman supported item #6.

Lisel supported Item #6, and invited people in the audience to raise their hand if they supported it as well, so they would not have to come up to the podium. A number of hands were raised.

Wendy, Fairfax, supported Item #6.

M/S, Goddard/Reed, Motion to approve the Consent Calendar with the exception of item #6.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Vice Mayor Coler recused herself from Item #6 due to the proximity of her residence to the project, and left the Chambers.

M/S, Ackerman/Goddard, Motion to approve item #6 of the Consent Calendar.
AYES: Ackerman, Goddard, Reed, Mayor Lacques
RECUSED: Coler

Vice Mayor Coler returned to the Chambers.

Presentations

9. MMWD Community-Partner Update: Infrastructure, Water Quality & Environment- Marin Municipal Water District

Mr. Mike Pond, Engineering Manager for MMWD, presented a report on MMWD's current and upcoming projects. He answered questions from the Council.

Public Hearings

10. Introduce and read by title only an ordinance amending Title 17 of the Town Code to add provisions for certain existing medical marijuana dispensaries to conduct delivery of adult-use (recreational) cannabis; exempt from CEQA pursuant to Sections 15061(b)(3), 15301, 15305, and 15183- Town Manager

Town Manager Toy presented a staff report. He answered questions from the Council.

Town Attorney Coleson referred to Section 17.110.230 (A), and recommended the deleting "...a non-storefront retail..." on line 68, and adding. She recommended adding "only" after "delivery" on line 70.

Mayor Lacques opened the Public Hearing.

Ms. Carrie Pratt, President of West Marin Little League, opposed the ordinance. She expressed concerns on behalf of the WMLL about the location of the dispensary so near the baseball field, and that allowing non-medical delivery sales would lead to a storefront and microbusiness at that location.

Ms. Deb Nelson, Spruce Road, opposed the ordinance. She acknowledged the benefits of medical marijuana, but opposed the expansion of the business in its present location.

Mr. Scott Johnston, representing West Marin Little League, stated the location of Marin Alliance was a potential safety issue for the kids who played baseball at Contratti Field.

Mr. Daniel Forrest, Drake High School student, opposed the ordinance, supported West Marin Little League, and stated the dispensary should be relocated away from Contratti Field.

Mr. Larry Bragman, on behalf of Marin Alliance, stated they had been operating at the current location since 1997. He noted allowing delivery would reduce the amount of foot traffic to the dispensary. He supported the ordinance.

Ms. Lynette Shaw, owner of Marin Alliance, supported the ordinance. She introduced the security guard who was onsite during business hours. She stated they were in compliance with the 67 conditions of their Conditional Use Permit and the are 40 pages of rules for the State license.

Mr. Lew Tremaine, representing Marin Alliance, supported the ordinance, noting that the delivery sales would happen off-site, creating a safer situation around School Street Plaza.

Mr. Rick Bagley, Superintendent of the Ross Valley School District, agreed with the concerns expressed by the representatives of West Marin Little League.

Mr. Sean Klein, Snowden Lane, stated he was a substance abuse and mental health counselor, and father of two boys. He supported slowing down the process and protecting children for as long as possible.

Mr. Joe McGarry, Rockridge Road, stated he coached Little League. He opposed a delivery service across the street from where kids play baseball.

Mayor Lacques closed the Public Hearing.

M/S, Coler/Reed, Motion to Introduce and read by title only an ordinance of the Town Council of the Town of Fairfax amending Title 17 of the Town Code to add provisions for certain existing medical marijuana dispensaries to conduct delivery of adult-use (recreational) cannabis as amended by the Town Attorney.

AYES: Ackerman, Coler, Goddard, Reed

NOES: Mayor Lacques

The Council took a 10-minute break at 9:10 p.m.

Regular Agenda

11. Introduce and read by title only an ordinance adding Chapter 5.56 entitled “Cannabis Businesses” to the Fairfax municipal code, Title 5 (“Business Taxes, Licenses and Regulations”), Division II (“Specific Business Regulations”) to establish regulations for certain medical marijuana dispensaries to conduct adult-use cannabis deliveries, and consider/discuss proposed application process and permit regulations for adult-use cannabis deliveries; exempt from CEQA pursuant to CEQA guidelines sections 15061(b)(3), 15183, and 15301- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council.

Mayor Lacques opened the meeting to public comments.

Mr. Don Carney, Mountain View Road and Director of the Marin County Youth Court, asked about additional enforcement efforts specifically aimed at protecting youth.

Ms. Shaw, owner of Marin Alliance, stated there were three “medical-only” products, and discussed the customer order process. She introduced her delivery staff member.

Mr. Dustin Stratton, Marin Alliance, stated he would run the delivery side of the business for Marin Alliance.

Ms. Kelsey Fernandez, local parent, stated the ordinance should address public health impacts and include more to protect the youth, such as requiring an Operation Plan, employee training, a Public Benefits Plan with public health education information, and green business information. She requested a THC limit for products.

Mayor Lacques closed the public comment period.

Councilmember Coler referred to Attachment “B”, and made suggestions as follows. Page 3, #7: “The applicant’s certificate of commercial general liability....(*including, but not limited to, Worker’s Compensation, commercial automobile*)”. Page 3, #10 “A” (ii): “Any arrest or prosecution...manager or employees *or other interested parties*...” Page 4, “B”, add: “The application fee is not refundable”. Page 4, VIII (C): “The permittee shall notify the Town Manager *in writing*...” Page 5, “H” (6) six square feet was too big for the signage. On page 5,

“X” (A): “The permittee may apply...to the Town Manager *at least 60 days* before the expiration of the permit”. On page 6, (C), change 21 days to 30 days, and delete “...the failure of the Town Manager to timely act shall constitute approval of the renewal of the permit.” She suggested adding a provision for an employee training requirement, as well, with a process to ensure continued compliance

M/S, Coler/Goddard, Motion to Introduce and read by title only an ordinance of the Town Council of the Town of Fairfax adding Chapter 5.56 entitled “Cannabis Businesses” to the Fairfax Municipal Code, Title 5 (“Business Taxes, Licenses and Regulations”), Division II (“Specific Business Regulations”) to establish regulations for certain medical marijuana dispensaries to conduct adult-use cannabis deliveries, and consider/discuss proposed application process and permit regulations for adult-use cannabis deliveries.

AYES: Ackerman, Coler, Goddard, Reed

NOES: Mayor Lacques

Town Manager Toy stated the resolution would come back to the Council for adoption with the second reading of the ordinance.

Mayor Lacques reviewed the agenda and stated he would like to continue item #13.

12. Adoption of an Urgency Interim Zoning Ordinance establishing a temporary moratorium on housing developments in Zoning Ordinance Chapter 17.112, the Planned Development District (PDD) Zone, pending preparation of an update to the Town’s Municipal Code and Zoning Ordinance; exempt from CEQA pursuant to Sections 15060(c)(2), 15061(b)(3) and 15308- Town Manager and Planning Director

Planning Director Berto presented the staff report. He answered questions from the Council.

Mayor Lacques opened the meeting to public comments.

Mr. Richard Applebaum, Woodland Avenue, confirmed the ordinance did not create new PDD areas and asked whether the current PDD Zones were already fully developed.

Mr. Frank Egger, Meadow Way, discussed how properties had been zoned PDD, and stated that the current PDD Zones were fully developed. He noted that in the past the Town had imposed specific conditions on developments.

Mayor Lacques closed the meeting to public comments.

M/S, Ackerman/Coler, Motion to Adoption of an Urgency Interim Zoning Ordinance establishing a temporary moratorium on housing developments in Zoning Ordinance Chapter 17.112, the Planned Development District (PDD) Zone, pending preparation of an update to the Town’s Municipal Code and Zoning Ordinance.

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

13. Discuss/consider recommendations from Planning Commission regarding reduction in maximum home size- Planning Director

Mayor Lacques stated this item had been continued.

14. Second reading by title only and adoption of an ordinance amending Chapter 8.36 (“Trees”) of the Town Code to provide the Town Council flexibility to appoint at-large member(s) to the Tree Advisory Committee and modify the process for the Planning Commission to consider/approve tree removals as part of a development application; categorically exempt from

CEQA- Town Manager, Planning Director

Town Manager Toy presented the staff report.

Mayor Lacques opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, was opposed to the ordinance, concerned that it would cut out the part of the process for tree approvals.

Wendy agreed with the comments made by Mr. Egger, and was concerned about people removing trees without approval.

Ms. Patty Patterson had questions about the purpose of the ordinance, and whether it made it easier to deny the removal of a tree.

Mayor Lacques closed the meeting to public comments.

M/S, Coler/Reed, Motion to read by title only and adoption of an ordinance amending Chapter 8.36 ("Trees") of the Town Code to provide the Town Council flexibility to appoint at-large member(s) to the Tree Advisory Committee and modify the process for the Planning Commission to consider/approve tree removals as part of a development application.

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

15. Adopt resolution establishing process for Town Commissions/Committees to appoint members to the Tree Committee- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council.

There were no comments from the public.

M/S, Goddard/Coler, Motion to adopt resolution establishing process for Town Commissioner/Committees to appoint members to the Tree Committee.

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

16. Second reading by title only of an Ordinance Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits per the Uniform Public Construction Cost Accounting Act; categorically exempt from CEQA- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council.

There were no comments from the public.

M/S, Goddard/Reed, Motion to read by title only and adopt an Ordinance Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits per the Uniform Public Construction Cost Accounting Act.

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

Council Reports and Comments

Councilmember Ackerman reported he attended a Town Hall meeting in San Anselmo on the Flood Control EIS/EIR; the MCCMC Pension and OPEP Sub-Committee meeting; the MCCMC Disaster Preparedness Sub-Committee; the Climate Action Committee Conversation at the Fairfax Library; a micro-grid presentation in West Marin; a FireOps Training; a Farewell Party for the Lutheran Church.

Councilmember Reed reported he attended a Ross Valley Paramedic Authority (RVPA) Board meeting; a Ross Valley Fire Board meeting; the International Walk to School extravaganza; the MCCMC meeting; worked on a prototype shield for the new street lights.

Mayor Lacques reported he attended a Ross Valley Fire Board meeting; the Climate Conversation at the library; a workshop on public banking; the MCCMC meeting; a Finance Sub-Committee meeting; a Zero Waste Sub-Committee meeting.

Councilmember Coler reported she attended a Marin Clean Energy (MCE) Executive Committee meeting and an MCE Board meeting; the MCCMC meeting; an Age Friendly Task Force meeting; saw James Comey in a Starbuck's in Mill Valley.

Councilmember Goddard reported she attended an MCCMC Homeless Sub-Committee; spoke on a panel at Biketoberfest about electric bikes; spoke on a panel at the Environmental Forum of Marin about Zero Waste; the public banking event; three meetings about single use plastic disposable foodware reduction; a Solid and Hazardous Waste JPA meeting; an Association of Bay Area Governments (ABAG) meeting; the Farewell Party for the Lutheran Church.

Town Manager's Report

Town Manager Toy stated a resident told him she might have a candidate for the Tree Committee's At-Large position.

Future Agenda Items

Councilmember Goddard stated she would like the Council to discuss the possible formation of a tree replacement committee to explore appropriate locations and species to plant new trees.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:25 p.m. in memory of Fairfax resident Carlo Gardin and Marin County resident Debra Di Benedetto.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary