

Fairfax Town Council Minutes
Regular and Special Meetings
Fairfax Women's Club
July 18, 2018

The Regular meeting was preceded by a Closed Session from 5:45 p.m. to 7:00 p.m.

Public Employee Performance Evaluation pursuant to Government Code Section 54957:
Title: Police Chief

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organization: Fairfax Police Officers Association; SEIU Local 1021 (Fairfax Non-Management employees); and non-represented Management Employees

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(1): one case

Mayor Lacques called the Regular and Special meetings 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

Approval of Regular and Special Meeting Agendas and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve Affidavit of Posting and the Regular meeting agenda with the following changes: Agenda items #23 and #25 shall be continued.

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

M/S, Coler/Reed, Motion to approve Affidavit of Posting and Special meeting agenda.

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

Announcement of Closed Session Action

Mayor Lacques announced there was nothing to report.

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. Councilmember Goddard reported that bamboo plants could not be brought to Chipper Day- they need to go to the landfill. She reported on Rising Sun, a youth energy services program, which provides free energy and water efficiency services. She reported that Sustainable Fairfax was doing a bike

ride on August 8th at 10:00 a.m. to the New Wheel Electric Bike Store near the Larkspur Landing Ferry. She reported that goats were being used in the hills of Fairfax to create a fire break.

Open Time

Mr. Tom O'Neill, Dominga Avenue, stated he was almost hit several times by bicyclists at the intersection near Good Earth.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, announced the next Commission meeting in September on creative intergenerational programs, and the next Fairfax Age Friendly Forum and Fairfax Parks & Rec classes for seniors.

Ms. Norma Fragoso, Program Director of the Environmental Forum's Master Class, encouraged people to become more involved in the community. Their landmark environmental stewardship class will be held in September.

Ms. Sara Tewkesbury, Fairfax, suggested changing the Town's Code Enforcement Complaint form so as not to allow anonymous complaints except in cases of danger.

Ms. Lynette Shaw, representing the Marin Alliance for Medical Marijuana, stated many of her patrons have deserted the medical system for recreational shops. She submitted an advisory petition sponsored by the Alliance urging the Council to allow recreational use and sales.

Mr. Lew Tremaine, Sir Francis Drake Blvd., stated he had submitted a ballot initiative petition on Monday.

Ms. Jody Timms, representing the Climate Action Committee, gave a status report and announced they will be hosting community conversations at the Fairfax Library at 7pm on the third Monday of the month from August through December.

Ms. Ling Shien Bell discussed the noise ordinance and requested it be enforced. She opposed amplified music at the Farmer's Market.

Mr. Mark Bell, Dominga Avenue, was concerned that the Council's approval of Peri's Bar appeal violated Town Code by not complying with the General Plan. He requested they reverse their decision.

Wendy Botwin, Fairfax, asked about the status of the renovations to the Parkade.

Ms. Bridget Clark thanked the Council for providing the Women's Club for the Senior Lunches.

Ms. Mallory Geithem, Willow Avenue, asked if the Town would ban plastic straws.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports May 2018- Finance Director
2. Approval of minutes of Town Council meetings held on June 6, March 9, May 25, and May 30, 2018- Town Clerk
3. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriations Limit for Fiscal Year 2018-19- Finance Director

4. Accept Fiscal Year 2016-17 Audited Financial Statements- Finance Director
5. Reappoint Holly Bragman to a full term on the Volunteer Board- Town Clerk
6. Reappoint Alexis Lynch to a full term on the Parks and Recreation Commission- Town Clerk
7. Reappoint Jody Timms as the Fairfax Representative on the Marin Commission on Aging- Town Clerk
8. Reappoint Jack Judkins to a full term on the Open Space Committee- Town Clerk
9. Adopt a Resolution Proposing an Increase in the Paramedic Service Tax, Establishing a Date for Election, Adopting Intended Ballot Language, Requesting the Consolidation of Said Election, Requesting Election Services of the County Elections Office, and Directing that Rebuttal Arguments May Be Received- Town Manager
10. Notice of Amendments to employment agreement with the Police Chief- Town Manager
11. Notice of Amendments to the Memorandum of Understanding (MOU) with SEIU 1021 (Fairfax non-management employees) for the period July 1, 2018 through June 30, 2021- Town Manager
12. Notice of Amendments to the Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the period July 1, 2018 through June 30, 2021- Town Manager
13. Notice of Amendments to the Resolution Establishing Wages and Benefits for Management, Confidential, and Part-Time Employees for the period of July 1, 2018 through June 30, 2021- Town Manager
14. Approve response to Marin Civil Grand Jury Report: *Homelessness in Marin: A Progress Report*- Town Manager
15. Approve response to Marin Civil Grand Jury Report: *Body-Worn Cameras and Marin Law Enforcement: Follow Up Report*- Police Chief
16. Authorize Mayor to send letter to San Francisco Bay Regional Water Quality Control Board urging they take action to ensure CalTrans keeps the highways free of litter to protect the health of the Bay- Mayor Lacques
17. Authorize the Town Manager to enter into an agreement, in an amount not-to-exceed \$25,000, with Revenue & Cost Specialist, LLC (RCS) to prepare a User Fee Study and Cost Allocation Plan- Town Manager, Finance Director
18. Adopt a Resolution Approving the Transportation Authority of Marin's Final ½ cent Transportation Sales Tax Renewal Expenditure Plan- Town Clerk
19. Adopt a Resolution Approving the Adoption of the Public Agencies Post-Employment Benefits Trust Administered by Public Agency Retirement Services (PARS) to pre-fund long-term pension obligations- Town Manager
20. Adopt a Resolution Amending the Debt Management Financial Policies- Finance Director

21. Authorize the Town Manager to enter into a contract with Millsap, Degnan & Associates, Inc. to repair Tamalpais Road (approx. location 183 Tamalpais Rd)- Town Manager
22. Approve the Police Lieutenant job classification- Town Manager, Chief Morin
23. Authorize the Town Manager to spend up to \$20,000 for goat vegetation management for fire hazard reduction- Town Manager

There was no public comment.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the continuation of item #23, and the changes in the supplements for items #11, #14, and #19.

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

Special Meeting Consent Calendar

1. Authorize the Mayor to send letters to the Town's Congressional representatives in opposition to SB 3157, the Streamline Act, which would eliminate local discretion over wireless facility infrastructure- Vice Mayor Coler

There was no public comment.

M/S, Coler/Reed, Motion to approve the Consent Calendar for the Special Meeting.

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

Presentations

24. Community-wide campaign to dramatically reduce out greenhouse gas emissions to slow the impacts of climate change and protect future generations- Drawdown Marin

Ms. Leslie Alden, representing Drawdown Marin, gave a PowerPoint presentation.

The Council thanked Ms. Alden for her presentation.

Special Meeting Agenda

2. Receive report on recent Cascade "Chipper" Day and provide direction to staff regarding Future Chipper Days- Town Manager

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

Councilmember Goddard recognized the residents and the Firewise Cascade committee who walked to each household to tell them about Chipper Day.

Mr. Steven Keese, Cypress Drive, stated the Cascade Canyon group received the Fire-Wise Certification this year. He noted that Chipper Day helped to create community.

Mr. Rob Nye, Ridge Road, stated the recent Fire Safe Marin event held at the Women's Club inspired him to clear brush for Chipper Day.

The Council directed staff to add two more chipper days.

The Council took a 10-minute break at 8:30 p.m.

Mayor Lacques stated he would like to rearrange the order of the agenda.

28. Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2018 through June 30, 2019 and Providing the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith- Town Manager, Finance Director

Finance Director Vivrette presented a staff report.

There was no public comment.

M/S, Coler/Ackerman, Motion to Adopt a Resolution Adopting the Operating and Capital Improvement Budgets for Fiscal Year July 1, 2018 through June 30, 2019 and Providing the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith.

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

27. Discuss/consider Local Cannabis Regulatory Options and provide direction to the Planning Commission- Planning Director, Town Manager

Town Manager Toy presented the staff report and a PowerPoint presentation.

The Town Attorneys Coleson and Charne answered questions from the Council.

Mr. Chris Hargess, Baywood Court, supported the Council taking time to develop cannabis regulations. He was concerned about impacts to traffic and children.

Ms. Hannah Liam, San Rafael, was concerned a dispensary would result in an increase in crime throughout Marin.

Ms. Olivia Carpenter, recent graduate of Redwood High School, was concerned about underage access to and use of cannabis, as well as the normalization of cannabis. She supported the Council taking their time to develop cannabis regulations.

Mr. Sebastian Meyer, Mill Valley, was concerned that youth-oriented cannabis products were sold legally to an adult who could sell them on the black market to kids. He supported the regulation of local delivery services which allow for tracking. He opposed retail locations.

Ms. Linda Henn supported a policy that would protect the community. She had concerns about increased crime and lack of a standardized DUI test for cannabis.

Ms. Yvonne Boland, Fairfax, stated there were a people in serious need of their medicine, so the Council needed to act quickly. She supported changing the 600-foot zone for a medical delivery business. She read from an email lauding the medical benefits of CBD oils.

A resident recognized the positive effects of medical marijuana, but she had concerns that kids would be able to obtain marijuana more easily if there were storefront locations.

Ms. Bridget Clark, San Anselmo, stated she acknowledged the medical benefits of cannabis, but urged the Council to consider the public safety aspects of cannabis use. She noticed an increase in public use of cannabis, and was concerned about the impact on youth's perception of harm. She supported delivery, not storefront retail.

Ms. Jazzi Garrety, Park Road, stated she worked with high school students regarding tobacco prevention. She was concerned about the impact of the legalization of cannabis, and the consumption of cannabis by young people.

Ms. Flora Schneider, Fairfax, stated the culture at the School Street Plaza since the dispensary re-opened made her a bit uncomfortable. She was concerned about people smoking in public. She supported the delivery option.

Mr. Don Carney, Director of the Marin County Youth Court, stated 70% of his cases are drug-related. In his experience, cannabis is the drug of choice for young people. He supported delivery and the existing medical dispensary.

Wendy stated it was important to distinguish between CBD and THC; CBD did not have psychoactive properties.

Ms. Mallory Geithem stated previous speakers caused her to reconsider whether a retail storefront was a good idea for Fairfax. She supported medical marijuana.

It was the consensus of the Council to eliminate the following categories of cannabis uses: manufacturing, distribution, commercial cultivation, and testing laboratories.

It was the consensus of the Council to continue the discussion regarding allowing commercial medical cannabis dispensaries/retailers, non-medical/adult-use cannabis retail, cannabis delivery, temporary events, and microbusinesses.

Town Manager Toy stated staff would return with more information next month.

Mayor Lacques stated item #26 would be continued to the next month.

Public Hearings

25. Introduce and read by title only An Ordinance Amending Sections 17.048.050, 17.048.060, 17.048.070, and 17.052.040 of the Fairfax Municipal Code relating to Accessory Dwelling Units, to comply with new state law to update the development standards relating to allowable conversion, unit size, and parking, and to make clarifying changes to required deed restrictions; exempt from the California Environmental Quality Act, Public Resources Code Section 21080.17- Planning Director

Mayor Lacques stated this item has been continued to next month.

Regular Agenda

26. Discuss/consider the Planning Commission's work program and priorities for Fiscal Year 2018-19- Planning Director

Mayor Lacques stated this item has been continued to next month.

Council Reports and Comments

Mayor Lacques stated he would like to continue this item to next month.

Town Manager's Report

Town Manager Toy stated there was nothing to report.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:25 a.m. in memory of Kathryn Sexton
Foell, MD, and Kelly Heikka.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary