

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
August 1, 2018

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

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

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
Amanda Charne, Assistant Town Attorney
Ben Berto, Planning Director
Michael Vivrette, Finance Director

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

Approval of Agenda and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve the agenda and the affidavit of posting.
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.

Open Time

Mr. Tom O'Neal, Dominga, stated bicyclists circumvent the stop sign at the intersection of Center and Pastori and put other cyclists and pedestrians in danger. He gave some tips on how to pickle vegetables.

Ms. Barbara McVeigh, Bolinas Road, stated October 1st is President Jimmy Carter's 94th Birthday and she asked the Town of Fairfax to support a weeklong celebration as a tribute to his peace initiatives, etc.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave an update on the Commission activities. She stated the Age Friendly Fairfax Strategic Plan has fifteen goals, including advocating for a supportive community that helps older adults stay healthy. The

Fairfax Library will host an Age Friendly Forum on August 24th on how to stay physically fit and prevent falls. She noted the Commission will be offering a lot of free classes starting in September.

Mr. Sierra Salin stated the Town should honor President Jimmy Carter.

Ms. Wendy Botwin asked if there had been attempts to limit the sale of pyrophytic plants and trees.

Mr. Steven Keese, Cypress Drive, thanked the Council on behalf of his neighborhood for recent Chipper Days.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports June 2018- Finance Director
2. Adopt a resolution setting the Living Wage pursuant to the annual review requirements Section 8.56.020 of the Town Code- Finance Director
3. Reappoint Mallory Geitheim to a full term on the Affordable Housing Committee- Town Clerk
4. Approve response to Grand Jury Report: *Yellow School Bus for Traffic Congestion Relief*- Town Manager
5. Approve a restated and amended employment agreement with the Police Chief- Town Manager
6. Adopt a Resolution Approving a Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax Non-Management Employees) for the Period July 1, 2018 through June 30, 2021- Town Manager
7. Adopt a Resolution Approving a Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the Period July 1, 2018 through June 30, 2021- Town Manager
8. Adopt a 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
9. Receive Town Treasurer's Report as of June 30, 2018- Town Treasurer
10. Approve Agreement with Envirolutions to conduct informal audit of residential solid waste carts- Town Manager
11. Approve conversion of the Artist-in-Residence program into an Artists-in-Residence Collaborative- Anne Mannes
12. Approve an increase in the Town's matching grant amount from \$750 to \$1,000 for the sidewalk grant repair program- Town Manager
13. Authorize the Mayor to sign the Bay Area Air Quality Management District's *Diesel Free by '33* Statement of Purpose to cut diesel use to zero by 2033- Vice Mayor Cole
14. Adopt a Resolution Adopting an Annual Salary Schedule- Finance Director

15. Adopt a Resolution Approving the Transportation Authority of Marin's Final ½-cent Transportation Sales Tax Renewal Expenditure Plan- Town Clerk

Councilmember Goddard stated she would recuse herself from voting on item #15.

Councilmember Ackerman had a question about item #13.

Mr. Michael Macintosh asked that items #5, #6, #7, #8, #10, #14, and #15 for discussion. Councilmember Coler stated she did not support pulling these items.

Ms. Wendy Botwin had a question about the Affordable Housing Committee.

M/S Lacques/Reed to pull items #5, #6, #7, and #8 from the Consent Calendar for discussion.
AYES: Ackerman, Goddard, Reed, Mayor Lacques
NOES: Coler

M/S, Ackerman/Reed, Motion to approve the Consent Calendar with the exception of item #15, and items #5, #6, #7, and #8.
AYES: Ackerman, Coler, Goddard, Lacques, Reed, Mayor Lacques

Mayor Lacques stated items #5, #6, #7, and #8 would be moved for discussion to after the Presentation.

At 7:38 p.m. Councilmember Goddard recused herself and left the Chambers.
M/S, Coler/Reed, Motion to approve Consent Calendar item #15.
AYES: Ackerman, Coler, Reed, Mayor Lacques
RECUSED: Goddard

At 7:40 p.m. Councilmember Goddard returned to the dais.

Presentation

Ross Valley Sanitary District's ("RVSD") Capital Improvement Program construction projects- Interim Director, Ross Valley Sanitary District

Ms. Felicia Newhouse, Interim Director of RVSD, gave a PowerPoint presentation and answered questions from the Council.

Mr. Sierra Salin stated it was onerous to go to a website to sign up for notifications. It was up to the agency to contact people.

Ms. Pam Meigs, RVSD Boardmember, stated there had been an unusually large number of projects this year. She apologized for the rough communication, especially to the Scenic Road residents.

Ms. Jane Richardson-Mack, Madrone Road, asked if the agency planned to be working on Sir Francis Drake Boulevard and Center Boulevard at the same time. Boardmember Meigs replied "no".

Mr. Michael Macintosh stated the RVSD project near his property was on schedule and exemplary.

A resident asked if the schedule of projects was posted on the RVSD Website. Boardmember Meigs replied the general construction schedule was posted, but no specific dates yet.

Mr. Doug Kelly, representing the RVSD, noted that the RVSD handled 8 million gallons per day, which increased to 120 gallons/day on a high rain day.

Mr. Stephen Keese stated the RVSD was a well-organized agency.

5. Approve a restated and amended employment agreement with the Police Chief- Town Manager

Town Manager Toy presented the staff report.

Mr. Michael Macintosh stated the agreement was a great deal for the best Police force in the County.

M/S, Ackerman/Coler, Motion to approve a restated and amended employment agreement with the Police Chief.

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

6. Adopt a Resolution Approving a Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax Non-Management Employees) for the Period July 1, 2018 through June 30, 2021- Town Manager

Town Manager Toy presented the staff report.

Mr. Michael Macintosh thanked the Council for full disclosure and supported the resolution.

Mr. Steve Wasserman, Meadow Way, stated supported the resolution. He asked a question.

M/S, Goddard/Coler, Motion to Adopt a Resolution Approving a Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax Non-Management Employees) for the Period July 1, 2018 through June 30, 2021.

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

7. Adopt a Resolution Approving a Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the Period July 1, 2018 through June 30, 2021- Town Manager

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

Mr. Michael Macintosh thanked the Council for the explanation.

Mr. Steve Wasserman had questions.

M/S, Goddard/Ackerman, Motion to Adopt a Resolution Approving a Memorandum of Understanding (MOU) with Fairfax Police Officers' Association (POA) for the Period July 1, 2018 through June 30, 2021.

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

8. Adopt a 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

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

Mr. Michael Macintosh asked for a definition of a “confidential employee.”

Mr. Steve Wasserman asked for clarification on “confidential employees” and whether or not the public has access to salary and benefit information.

M/S, Goddard/Ackerman, Motion to Adopt a Resolution Establishing Wages and Benefits for Management, Confidential, and Part-Time Employees for the Period of July 1, 2018 through June 30, 2021.

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

Regular Agenda

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

Planning Director Berto presented a staff report and gave a PowerPoint presentation.

Mayor Lacques opened the meeting to public comments.

Mr. Michael Macintosh stated he supported looking at what we want rather than fighting. He noted having some large homes reduced density.

Mr. Steve Wasserman stated there should be regulations with respect to public noticing.

Mr. Lew Tremaine, Sir Francis Drake Boulevard, referred to the theme used during the development of the General Plan: “keep things at a human scale” and supported using it here.

Ms. Jane Richardson Mack, Madrone Road, agreed with the comments made by Mr. Tremaine. She supported change to the Tree Committee to provide input early in the application process.

Mr. Richard Applebaum, Woodland Road, asked if design standards would protect the Town. He supported organizing with other small communities to fight recent State housing legislation.

Mr. Sierra Salin agreed with Mr. Tremaine. He stated the Town did not have to follow recent legislation. The Town could just say “no” to large development.

Ms. Mallory Geithem, Willow Avenue, agreed with Mr. Tremaine. The only density she supported was affordable housing and housing less than 3,000 square feet.

The Council reached consensus on the following priorities: develop objective development standards; clarify the view corridor– perhaps develop a methodology or a map; develop a density bonus ordinance to include inclusionary zoning and in-lieu fees; develop an ordinance on post-disaster rebuilding; allow incomplete applications to expire after 90 days; grant Planning Commission the authority to approve tree removal requests related to planning applications (but send the application to the Tree Committee for advisory opinion when sending application to other agencies); no ministerial review by staff of encroachment permits; could eliminate covered parking standard. There was also interest in a historical survey, compact parking spaces, and preserving existing low-income units. There was no consensus on ministerial approval of variances for fences.

Mayor Lacques stated he would like to continue item #19 to the next meeting.

The Council took a 10-minute break at 10:05 p.m.

17. 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 gave a PowerPoint presentation. He answered questions from the Council.

The Assistant Town Attorney answered questions about microbusinesses, clarifying that it is a license designation created by the state for vertically integrated businesses.

Mayor Lacques opened the meeting to public comments.

Mr. Lew Tremaine stated the Council could allow the uses they are concerned about within the context of a microbusiness and then decide what level of activity would be allowed. In the few medical-only dispensaries that exist, sales have dropped 80% to 85% since the advent of adult use. He was concerned that if adult-use is not allowed, the medical dispensaries will disappear.

Ms. Patrece Bryan stated that the black market thrived when there was no legal business, and that retail cannabis in San Francisco had lowered the number of street dealers there.

Ms. Kelsey Fernandez, Sais Avenue, stated the decision to allow retail would impact the local youth, and she was concerned that recreational cannabis was bad for young people. CBD use was a beneficial medicine and access should be made to people of all ages who need it.

A resident agreed with the comments made by Ms. Fernandez. She supported a compromise of allowing recreational cannabis delivery. Protecting the local youth was paramount.

Mr. Sierra Salin stated they needed better education no matter what they did.

Ms. Jasmine Garrety, Park Road, had questions regarding enforcement, training, delivery, personal cultivation, permit requirements, and impacts on traffic.

Ms. Emma Lauter, Deer Park, discussed her concerns about the impact cannabis retail might have on the Town socially, on local youth, and on animals.

Ms. Bridget Clark recommended the Council view the July 17th Marin County Board of Supervisors meeting where local youth discussed the stress and anxiety they deal with every day. Fairfax is ground zero for marijuana use in the County. She cautioned that suicide and substance abuse go together.

The Council discussed and considered the issues laid out in the staff report. They voted 3 to 2 against temporary events. They discussed a limit of 6 plants per parcel for personal/medical cultivation. However, due to the lateness of the hour they decided to hold a Special Meeting to continue the discussion prior to the next regular meeting.

It was the consensus of the Council to continue items #18 and # 20 due to the lateness of the hour.

18. Discuss concept to reduce the use of disposable food containers, straws, and utensils- Town Manager

Mayor Lacques stated this item was continued.

19. Discuss concept of establishing an ordinance to address small cell attachment devices- Town Manager, Planning Director

Mayor Lacques stated this item was continued.

20. Introduce and read by title only 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; not subject to CEQA, categorically exempt- Town Manager, Planning Director

Mayor Lacques stated this item was continued.

Council Reports and Comments

Councilmember Coler reported she attended the Fairfax Parade; the Affordable Housing Committee meeting; the Finance Committee meeting; the Marin Telecommunications Agency Board meeting; the Power Association of Northern California meeting; the Age-Friendly Breakfast and Task Force meeting; the MCCMC Legislative Committee meeting; the MCCMC Meeting; several Community Media Center of Marin Board meetings; the Marin Clean Energy Executive Committee meeting and Board meeting; the Volunteers “Give Back” Tuesday.

Councilmember Goddard reported she attended a reception for Measure “E”; several Chamber of Commerce meetings; the MCCMC meeting; a mapping session for Safe Routes for Schools; a Solid and Hazardous Waste Task Force meeting.

Councilmember Reed reported he attended several Transportation Authority of Marin meetings; several Ross Valley Paramedic Authority meetings; several Ross Valley Fire Board meetings; several Fire-wise community meetings; the Volunteers Creek Clean-Up; a Transportation Authority of Marin Subcommittee meeting.

Councilmember Ackerman reported he attended a Fire-Wise Steering Committee meeting; a Mosquito and Vector Control Board meeting; several Climate Action Committee meetings; a Marin Conservation League breakfast and working group meeting; several Flood Zone 9 meetings; a Board of Supervisors meeting.

Mayor Lacques reported he attended several Ross Valley Fire Board meetings; several Climate Action Committee meetings; several Finance Committee meetings; several Chamber of Commerce meetings; the MCCMC meeting.

Town Manager Report

Town Manager Toy reported that the Town installed 365 LED’s with about 44 still to be installed. Staff would be installing back shields next week and front and cul-de-sac shields in the future. PG&E completed work on Mono Avenue and Bolinas Road. Staff is meeting with the contractor tomorrow to talk about paving and sidewalk repair. FEMA has committed to \$700,000 in reimbursements.

Future Agenda Items

There were no comments from the Council.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:15 a.m. in memory of Mr. John Arnold, former Fairfax Councilmember, Sally Garbarino, and Congressman Ron Dullems.

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

Respectfully submitted,

Toni DeFrancis, Recording Secretary