

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
**Wednesday, December 5, 2018**

The Regular and Special meetings were preceded by a Closed Session from 5:45 p.m. to 6:30 p.m.

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

Mayor Lacques called the **Special meeting** to order at 6:35 p.m.

1. Interview and appointment of applicant to the Climate Action Committee- Town Clerk

The Council interviewed Ms. Joanne Lasnier. There was no public comment.

M/S, Coler/Ackerman, Motion to appoint Ms. Joanne Lasnier to the full 4-year term on the Climate Action Committee.

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 (Left at 11:20 pm)  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Ben Berto, Planning Director

Approval of Meeting Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Lacques announced the Council met in Closed Session and there was nothing to report.

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. Town Clerk Gardner noted the deadline for the Request for Proposals (RFP) for the Artist in Residence position closed on Tuesday evening at 5:00 p.m.

## Regular Agenda

1. Adopt a Resolution reciting the fact of the Special Election held on November 6, 2018, declaring the result and such other matters as provided by law- Town Clerk

Town Clerk Gardner presented the staff report.

There were no comments from the public.

M/S, Reed/Coler, Motion to adopt the Resolution of the Town Council of the Town of Fairfax reciting the fact of the Special Election held on November 6, 2018, declaring the result and such other matters as provided by law

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

2. Reorganization of the Town Council: Selection of the Mayor and Vice Mayor- Town Clerk

Town Clerk Gardner presented the staff report.

There were no comments from the public.

M/S, Reed/Ackerman, Motion to appoint Councilmember Coler as Mayor.

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

M/S, Coler/Ackerman, Motion to appoint Councilmember Goddard as Vice-Mayor.

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

The Council thanked Councilmember Lacques for his year of service. Mayor Coler presented Councilmember Lacques with a plaque.

The Council took a 10-minute break at 7:20 p.m. for refreshments.

## Open Time

Ms. Ling Shien Bell, Dominga Avenue, stated the new streetlights were too bright and are unhealthy. Yellow is a better color for streetlights.

Mr. Richard Applebaum, Woodland Avenue, asked for confirmation that there would be no changes to Bolinas Road or Broadway. Exposure to 4G and 5G towers has an effect on plants (similar to putting on a thin layer of gasoline on the leaves).

Ms. Helen Fauss, Scenic Road, representing Manor Hill Fire Wise, stated they were concerned about the potential for severe fires due to drought and global warming, and requested: 1) Enforcing Town Ordinances related to the removal of dry brush; 2) Allotting funds for roadside clearance; 3) Applying for grants for these purposes; 4) More robust trail clearance; 5) Hiring an additional firefighter.

Ms. Valerie Hood, Dominga Avenue, stated the next 5G hearing will be at the December 20<sup>th</sup> Planning Commission meeting. This issue is immensely important to residents and she asked the Council to reach out to other jurisdictions to fight the telecommunications industry.

Dr. Jody Timms, Fairfax Representative to the Commission on Aging, gave a monthly status report. The Commission will meet tomorrow in Novato with a legislative update for 2019. She discussed the following age discrimination and how society devalues aging; a Jr. Accessory Dwelling Unit Expo; the Age Friendly Forum scheduled for December 21<sup>st</sup>; the Live and Learn Discussion Group; and Breakfast with Friends on at Fairfax on December 19<sup>th</sup>.

Mr. Christopher Lang, Canyon Road, referred to the Parkade Rehabilitation Project and encouraged the use of green infrastructure, and recommended applying for grants through Flood Control District 9 for green infrastructure on all Town projects.

Wendy, Fairfax, stated the Marin County Board of Supervisors plans to adopt a Just Cause Ordinance on a two-year trial basis, and requested the Council do the same. She encouraged people to attend tomorrow's rally regarding immigration.

Ms. Mallory Geithem, Willow Avenue, asked about the status of plastic straws and the request for a dog park. She asked if Marin Sanitary Service could compost "compostable" plastics.

#### Consent Calendar

3. Accept Financial Statements and Disbursement Reports October 2018- Finance Director
4. Approve minutes for the November 7, 2018 Town Council meeting- Town Clerk
5. Receive report on recertification of FEMA Community Rating System (CRS) resulting in flood insurance premium reduction for residents- Town Manager
6. Adopt a Resolution Adopting a Federally Funded Procurement Policy to Comply with the Office of Management and Budget Guidance for Federal Awards- Finance Director
7. Reappoint Marcia Custer to a full term on the Volunteer Board- Town Clerk
8. Authorize Town Manager to execute an agreement with R3 Consulting Group, Inc., in an amount not to exceed \$25,000, to conduct a review of 2019 Marin Sanitary Services' rate adjustment application- Town Manager
9. Authorize Town Manager to execute a Joint Exercise of Powers Agreement (JEPA) for the formation of an advisory group to provide oversight and guidance for yellow school bus services in the Ross Valley- Town Manager
10. Adopt a Resolution amending the Town's Administrative Purchasing Policy to increase the Town Manager's contractual authority from \$15,000 to \$25,000- Town Manager
11. Approve a contract with Maggiora & Ghilotti to repair certain portions of Frustuck Avenue in an amount not to exceed \$42,000- Town Manager
12. Approve Notice of Completion for Scenic Road Pavement Rehabilitation project- Town Manager
13. Proclamation Declaring December 2018 as Gratitude Month- Councilmember Goddard

Mayor Coler noted that Item #10 had a supplement. She stated that Item #9 required the Council to appoint a representative, which would be taken up when the Council decided on their Committee assignments. She had a comment regarding Item #11.

Councilmember Goddard read aloud the Proclamation Declaring December 2018 as Gratitude Month.

Ms. Ling Shien Bell had a question about item #8.

M/S, Lacques/Reed, Motion to approve the Consent Calendar including the supplements and the

amendment to Item #9 by Mayor Coler.

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

### Presentations

14. Marin Mobile Care, the mobile shower pilot program: update and potential sites- Karen Strolia, Project Manager

Ms. Karen Strolia, Project Manager for Marin Mobile Care, discussed the goals of the program and gave an update on potential sites. She gave a PowerPoint presentation. She answered questions from the Council.

### Public Hearing

15. Adopt a report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 821 (moratorium on housing development in the PDD Zone), and adopt Urgency Interim Zoning Ordinance Extending by 10 months and 15 Days until November 7, 2019, a Temporary Moratorium on Housing Development Projects in the Planned Development District (PDD) Zone, Chapter 17.112 of the Fairfax Municipal Code, Pending Preparation of an Update to the Town's Municipal and Zoning Codes; Exempt under CEQA Pursuant to Sections 15060(C)(2), 15061(B)(3) and 15308- Planning Director

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

Mayor Coler opened the Public Hearing.

There were no public comments.

Mayor Coler closed the Public Hearing.

M/S, Goddard/Ackerman, Motion to adopt a report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 821 (moratorium on housing development in the PDD Zone), and introduce by title only, waive further reading, and adopt Urgency Interim Zoning Ordinance Extending by 10 months and 15 Days until November 7, 2019, a Temporary Moratorium on Housing Development Projects in the Planned Development District (PDD) Zone, Chapter 17.112 of the Fairfax Municipal Code, Pending Preparation of an Update to the Town's Municipal and Zoning Codes.

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

### Regular Agenda

16. Second reading by title only and adoption of an Ordinance to Permit Certain Medical Marijuana Dispensaries to Conduct Adult-Use (recreational) Cannabis Deliveries; exempt from CEQA pursuant to Sections 15061(b)(3), 15301, 15305, and 15183- Town Manager

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. Larry Bragman, representing Marin Alliance, expressed gratitude for allowing Marin Alliance to expand its customer base to include adult-use consumers. He supported the ordinance, and stated Marin Alliance will adhere to all the regulations included in the ordinance.

Ms. Lynette Shaw, owner of Marin Alliance, thanked the Council. She stated this ordinance was

essential to the survival of the Marin Alliance.

Ms. Deb Nelson, Spruce Road, stated she was concerned about the impact to public safety and on the Police Department. She supported limiting the number of dispensaries to one.

Ms. Mallory Geitheim, Willow Avenue, stated Fairfax was founded on hippies smoking dope. She supported just one dispensary.

Mayor Coler closed the meeting to public comments.

M/S, Ackerman/Goddard, Motion to waive the second reading, read by title only, and adopt an Ordinance to Permit Certain Medical Marijuana Dispensaries to conduct Adult-Use Cannabis Deliveries.

AYES: Ackerman, Goddard, Reed, Mayor Coler

NOES: Lacques

Councilmember Lacques stated he was opposed to the ordinance because it favored an specific business.

17. Second reading by title only and adoption of 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; exempt from CEQA pursuant to Sections 15061(b)(3), 15183, and 15301- Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. Lew Tremaine stated this was an elegant and creative approach.

Mayor Coler closed the meeting to public comments.

M/S, Reed/Ackerman, Motion to waive second reading, read by title only, and adopt 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.

AYES: Ackerman, Goddard, Reed, Mayor Coler

NOES: Lacques

18. Adopt a Resolution Adopting Permit Application Requirements and Terms for Certain Medical Marijuana Dispensaries to Conduct Retail Deliveries of Adult-Use Cannabis- Town Manager

Town Manager Toy presented the staff report and noted that there was a supplement with revisions by Mayor Coler, and two edits to those revisions by Councilmember Ackerman. He answered questions from the Council.

The Council reviewed the supplement with Mayor Coler's proposed amendments to the ordinance.

Councilmember Ackerman suggested replacing the words "the same as" in section VIII.H.10 of Exhibit A, to "limited to" with respect to the hours allowed.

Mayor Coler opened the meeting to public comments.

Ms. Lynette Shaw stated anyone who enters the Marin Alliance has been vetted and has a membership card.

Mr. Lew Tremaine stated the State has a single retail license that allows for either storefront, or delivery, or both.

Mayor Coler closed the meeting to public comments.

M/S, Ackerman/Reed, Motion to Adopt a Resolution Adopting Permit Application Requirements and Terms for Certain Medical Marijuana Dispensaries to Conduct Retail Deliveries of Adult-Use Cannabis with the amendments made by Mayor Coler and Councilmember Ackerman and including the supplemental document.

AYES: Ackerman, Goddard, Reed, Mayor Coler

NOES: Lacques

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

19. Receive report on Parkade design process and discuss/consider options for approving the bid award for the Project- Town Manager

Town Manager Toy presented the staff report and gave a PowerPoint presentation. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, stated the staff report and the supplemental report included different estimated costs. He opposed delegating the bid award to the Town Manager. He had concerns about the two-week time frame. He reminded the Council about the group that volunteered to restore the bus shelter.

Mr. Richard Applebaum, Woodland Avenue, stated flashing pedestrian lights should be installed at the Broadway crosswalks. The plan should include motorcycle/scooter parking.

Ms. Mallory Geitheim, Willow Avenue, stated the bus shelter should be wood, not plastic. She asked if the trees that are to be removed could be replanted elsewhere. The rest of the plan sounded great.

Ms. Linn Walsh, Dominga Avenue, stated the bulb-outs were great and helped protect pedestrians. She is glad to see that the plan would not impact parking or the flow of traffic. Infrastructure is important to the disabled and senior community and she thanked the Council for the ADA upgrades. They should tag the trees that are slated to be removed.

Wendy, Fairfax, supported the concept. Noted that the ADA improvements would benefit everyone.

Mayor Coler closed the meeting to public comments.

The Council discussed the timing of the project and the bid process, and set a special meeting for December 31, 2018 to consider bids.

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

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

Mayor Coler opened the meeting to public comments.

Ms. Mallory Geitheim, Willow Avenue, stated a 3,000 square foot house should be the maximum allowed. Fairfax is different and should not be compared to other cities in Marin.

Mr. Frank Egger, Meadow Way, stated the current 5,000 square foot number was approved by the Council on a 3 to 2 vote. He wanted to get it down to 2,400 square feet with a maximum of 3,500 with a Use Permit. Large homes are driving up the cost of housing in Fairfax.

Mayor Coler closed the meeting to public comments.

Mayor Coler stated the Council seemed to agree to a maximum size limit of 3,500 square feet, with the possibility of a Conditional Use Permit for anything above that size. She would like to discuss this issue again in February.

#### Council Reports and Comments

Councilmember Ackerman stated he attended the Flood Zone 9 EIR meeting in San Anselmo; a Climate Action Committee meeting; a Mosquito and Vector Control Board meeting; a Marin Environmental Housing Collaborative Fundraiser; an MCCMC Disaster Preparedness Sub-committee meeting; the MCCMC Meeting.

Councilmember Reed stated he attended the Ross Valley Paramedic Authority (RVPA) Board meeting; a Transportation Authority of Marin (TAM) meeting; a Ross Valley Fire Board meeting; a Volunteer Committee meeting; an MCCMC meeting.

Councilmember Goddard stated she co-coordinated an evacuation drill in the Cascades; attended a Marin Environmental Housing Collaborative Fundraiser; the MCCMC meeting.

Councilmember Lacques stated he attended the Climate Action Committee meeting; a Ross Valley Fire Board meeting.

Mayor Coler stated she attended the Marin Telecommunications Agency (MTC) meeting; an Age-Friendly Fairfax Committee meeting; volunteered at Bennett House for their Thanksgiving Event; attended the MCCMC meeting; saw Gavin Newsom at Woodlands Market!

#### Town Manager's Report

There was no report.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:15 p.m. in memory of Ms. Robin Sweeney, first female Mayor of Sausalito, and the 900+ individuals who lost their lives 40 years ago in Jonestown.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Respectfully submitted,

Toni DeFrancis  
Recording Secretary