

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **November 4, 2015**

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 6:30 p.m.-

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

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
Jim Moore, Planning Director
Mike Vivrette, Finance Director

Mayor Coler called the meeting to order at 7:00 pm

Approval of Agenda and Affidavit of Posting

Mayor Coler stated she would like to switch the order of the presentations.

M/S, Reed/Weinsoff, Motion to approve the agenda with the change suggested by Mayor Coler, and the affidavit of posting.

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

Announcement of Closed Session

Mayor Coler announced there was nothing to report from the Closed Session.

Mayor Coler announced that at the Special Meeting in Open Session immediately preceding the regular meeting, the Council unanimously voted to appoint Ms. Susan Brandborg to the Fairfax Tree Advisory Committee and Ms. Marcia Custer to the Fairfax Volunteer Board.

Announcements

Mayor Coler made the announcements as they appeared on the agenda.

Presentation of Proclamations

Proclamation in honor of Lefty Gomez- Mayor Coler

Mayor Coler presented the proclamation to Scott Carstensen, grandson of Lefty Gomez.

Proclamation in honor of Bob Kopelman- Mayor Coler

Mayor Coler presented the proclamation to Mr. Kopelman, former Executive Director of the Fairfax Chamber of Commerce.

Open Time

Mr. John Stalp, Taylor Drive, requested the Council look at changing the Town Code to allow expanding legal non-conforming second units, to create affordable housing. The Town Manager indicated we could agendize this for the January Council meeting.

Mr. Michael Macintosh commented that the incremental increases in taxes for smaller units subsidized larger units.

Consent Calendar

Accept Financial Statement and Disbursement Reports September 2015- Finance Director

Approve minutes for the October 7, 2015 Town Council meetings- Town Clerk

Accept report of winter furlough days for Town Hall employees between December 24th and January 1st- Town Manager

Approval of Town Council Meeting Schedule for calendar year 2016- Town Clerk

Acceptance of updated Emergency Operations Plan- Mayor Coler

M/S, Goddard/Reed, Motion to approve the Consent Calendar as submitted.

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

Presentations

California Telephone Access Program- Contessa Bunn, California Telephone Access Program

Ms. Contessa Bunn discussed the program and stated it provides free specialized telephones for those who have difficulty speaking, hearing, moving, or remembering.

Deep Green and Energy Efficiency- Allison Hang, MCE Community Development Manager

Ms. Allison Hang made a Powerpoint presentation that gave a brief overview of MCE and the Deep Green program.

Council Reports and Comments

Councilmember Lacques reported he attended the Ross Valley Fire Board meeting; the Marin Clean Energy Board meeting; the Wall property public workshop; the MCCMC meeting; a Zero Waste Committee workshop; and he volunteered for the Gardner's Alliance project along Center Boulevard.

Councilmember Goddard reported she attended the Zero Waste Committee workshop; the "Bioneers" event; an Rx Safe Marin meeting; the Wall property public workshop; the MCCMC meeting; the Dominga Halloween Parade.

Councilmember Reed reported he attended the General Plan Implementation Committee

(GPIC) meeting; the Creek Clean-Up event; helped with the Gardener's Alliance project; two Transportation Authority of Marin (TAM) meetings; a Ross Valley Fire Board meeting; the Bicycle Pedestrian Advisory Committee (BPAC) meeting; a meeting regarding fiber optic connections in Fairfax; the MCCMC meeting.

Councilmember Weinsoff reported on the impacts from yesterday's election with respect to flood control.

Mayor Coler reported she attended the Fairfax Climate Action Committee meeting; a meeting with the Town Manager and Town Clerk regarding a Pilot Pedestrian Flag Program; the Wall property workshop; the MCCMC meeting; the Council workshop regarding rezoning of the Highway Commercial Zone to Central Commercial; the Community Development Block Grant Countywide Committee meeting.

Town Manager's Report

Town Manager Toy stated he had nothing to report.

The Council took a 5-minute break at 8:15 p.m.

Public Hearings

15 Scenic Road: Appeal of Planning Commission approval of a Use Permit and Variance to convert a detached accessory shed at 15 Scenic Road into a bedroom and ½ bathroom; Applicants are appealing the condition that only a ½ bath is allowed rather than a full bathroom with bathing facilities; Assessor's Parcel No. 001-146-03; Residential RD 5.5-7 Zone; Anthony Hoeber and Gwen Gordon, appellants- Planning Director

Councilmember Reed stated he needed to recuse himself from this item since he lives within 250 feet of the subject property. He left the Chambers.

Planning Director Moore presented a staff report

Mayor Coler opened the Public Hearing.

Ms. Gwen Gordon, appellant, stated they were not going to turn the structure into an illegal second unit. They would be willing to sign deed restrictions prohibiting the use of the structure as a second unit and as a short-term rental.

Mr. Anthony Hoeber, appellant, stated their intention was to rent the room. It was not practical to ask a tenant to use the shower in the main house.

Mr. Terrance Bennett stated the room in question was not a "shed"- it was a beautiful piece of construction. He supported granting the appeal.

Ms. Mallory Geidheim, Willow Avenue, stated she was concerned that the appellants have not indicated the affordable price of this unit.

Mr. Bill Hinton and Ms. Locky Hinton, Scenic Road, stated the work done to the house improved the neighborhood. They supported granting the appeal.

Ms. True Heitz, Scenic Road, agreed that the appellants' improvements were positive for the neighborhood and she supported granting the appeal.

Mayor Coler closed the Public Hearing.

Councilmember Lacques requested the staff report accompanying the resolution indicate that there is ample on-street parking in the neighborhood.

M/S, Weinsoff/Goddard Motion to direct staff to prepare a resolution for consideration at the December meeting which makes the findings to grant the appeal conditioned on the appellants' signing a deed restriction with the following two conditions: 1) The accessory structure will not be used as a second unit; 2) The accessory structure will not be used for short-term rentals (AirBNB, etc.). The full bath would be allowed subject to these two conditions.

AYES: Goddard, Lacques, Weinsoff, Mayor Coler

RECUSED: Reed

Councilmember Reed returned to the dais.

Introduction and first reading by title only of an Ordinance of the Town of Fairfax Amending Town Code Chapter 17.132, Water Conservation, Reducing the Effective Flush Volumes for Newly Installed Toilets and for Toilets on Properties Involved in Sales or Transfers from 1.6 to 1.28 Gallons. CEQA categorically exempt per Section 15061(b)(3) and 14 C.C.R. Section 15308- Mayor Coler, Planning Director

Mayor Coler presented a report.

Town Attorney Coleson added the following language to the ordinance, to be inserted on page 1 immediately before the paragraph beginning "Now, therefore ..."

"Whereas, this Ordinance is exempt from further review under the California Environmental Quality Act ('CEQA,' as codified at Public Resources Code §§ 15000, et seq., and as further governed by the CEQA Guidelines, found at 14 California Code of Regulations §§ 21000, et seq.) per 14 C.C.R. § 15061(b)(3), as it can be seen with certainty that adoption of this Ordinance has no possibility of having a significant effect on the environment, and 14 C.C.R. § 15308, as adoption of this Ordinance is an action taken by the Town of Fairfax, in its capacity as a regulatory agency, for the protection of natural resources."

Mayor Coler opened the Public Hearing.

Mr. Michael Macintosh supported the intent of the ordinance to conserve water, but expressed concern that low-flow toilets may require multiple flushes, resulting in increased water use.

Mayor Coler closed the Public Hearing.

Councilmember Reed expressed concern that the technology of the 1.28 gallon flush toilet might in fact result in an increase in water use, due to the potential need for multiple flushes.

M/S, Weinsoff/Lacques, Motion to Introduction and waive first reading and read by title only an Ordinance of the Town of Fairfax Amending Town Code Chapter 17.132, Water Conservation, Reducing the Effective Flush Volumes for Newly Installed Toilets and for Toilets on Properties Involved in Sales or Transfers from 1.6 to 1.28 Gallons with the additional "language added by the Town Attorney.

AYES: Goddard, Lacques, Weinsoff, Mayor Coler

NOES: Reed

Mayor Coler stated she would like to rearrange the order of the agenda.

Regular Agenda

Discuss/consider support for the renaming of Gunshot Fire Road- Vice Mayor Goddard

Vice Mayor Goddard asked Ms. Wendy Botwin, Fairfax resident, to discuss the thinking behind and the process for renaming the road through the Open Space District in the wake of the recent murder nearby.

Ms. Wendy Botwin, Fairfax resident, discussed the item as well as installing a community mural on the White Hill Bridge.

M/S, Reed/Goddard, Motion to authorize the Mayor to send a letter to the County supporting the renaming of Gunshot Fire Road and a letter to the Board of Supervisors supporting the concept of a mural on the White's Hill Bridge.

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

Discussion/consideration of the effect of new state legislation on local regulations regarding medical marijuana- Town Manager

Town Manager Toy presented a staff report.

The Council discussed issues to consider, including indoor versus outdoor growing, limiting the number of plants, a ban, exemptions, public safety, what other towns are doing, differences in patients.

Mr. Michael Macintosh stated he would like the permitting process to include a provision requiring permission from a landlord.

Mr. Ryan Selsky spoke on behalf of Marin Patient Access and invited everyone to the Sunday, November 15th event regarding medical cannabis at the Women's Club from 1:00 p.m. to 3:00 p.m.

Mr. Brandt Heinsman, Archangel Court, stated he has been running a licensed medical cannabis collective since February. They have over 200 members who suffer from a variety of conditions.

Ms. Elisa Kelly, collective owner, stated there was no need to approve large-scale growth of any kind in Fairfax.

Ms. Mallory Geithem expressed concern regarding indoor growing of marijuana, which could cause house fires. She supported growing the plants outdoors in small quantities.

It was the consensus of the Council to continue this discussion to the December 2nd meeting, in order to provide further direction to the Planning Commission for when they consider the proposed ordinance at their December 17th meeting.

Discuss/consider policies regarding short-term /vacation rental of residential units- Town Manager

Town Manager Toy presented a staff report.

The Town Council discussed issues to consider, including parking, noise, privacy, taxes, limit on number of occupants, limit on number of days per year, effect on affordable housing, safety, community.

Ms. Wendy Botwin asked how AirBNB's affect affordable housing.

Mr. Michael Macintosh stated an AirBNB unit on his property could disrupt the anticipated peace and quiet of the other tenants. He discussed insurance ramifications.

It was the consensus of the Council to send this matter to the Planning Commission with the list of issues discussed this evening, for them to take up at a workshop.

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 11:11 p.m. to a Special Meeting.

Mayor Coler adjourned in memory of Mr. Lou Vaccaro.

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

Respectfully submitted,
Toni DeFrancis
Recording Secretary