

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **December 2, 2015**

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
Michael Vivrette, Finance Director

Mayor Coler called the meeting to order at 7:05 pm

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Goddard, Motion to approve the Affidavit of Posting and the agenda, with the following changes: continuation of item #16; item#3 will be heard before item #2.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Announcements

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

Introduction

Introduction of new Town employee, Zoning Technician Michelle Levenson- Planning Director

Mayor Coler stated that this item was continued to the next meeting.

Regular Agenda

Administration of Oath of Office to elected officials- Town Clerk

Town Clerk Gardner stated that since only one individual had filed nominations papers for each office, the Town Council had cancelled the municipal election and appointed each nominee to each office, thereby saving the Town the cost of an election. Tonight the candidates would be sworn in and begin their terms. Town Manger Toy had been deputized to administer the oath of office.

Town Manager Toy administered the Oath of Office to Town Clerk Michele Gardner, Town Treasurer Janet Garvin, and Councilmembers Lacques and Goddard.

Presentation of a Proclamation in Memory of Lou Vaccaro- Mayor Coler

Mayor Coler presented the Proclamation and proclaimed December 2, 2015 as “Lou Vaccaro Day” in the Town of Fairfax, and presented the Proclamation to the Vaccaro family. She also presented a plaque in Lou’s honor to be hung in the Pavilion.

Presentation of a Proclamation in Honor of Town Treasurer Barbara Petty- Mayor Coler

Mayor Coler presented the Proclamation in honor of former Town Treasurer Barbara Petty, and, thanking her for her service to the Town.

Adoption of a Resolution Urging the California Public Utilities Commission (“CPUC”) to Examine the Fairness and Reasonableness of the Power Charge Indifference Adjustment (“PCIA”), to Reject PG&E’s Proposed Increase to the PCIA, and to apply Some of the \$1 Billion to Offset PCIA Fees Paid by Marin Clean Energy (“MCE”) Customers- Mayor Coler

Mayor Coler presented a report.

M/S, Weinsoff/Lacques, Motion to adopt a Resolution Urging the California Public Utilities Commission (“CPUC”) to Examine the Fairness and Reasonableness of the Power Charge Indifference Adjustment (“PCIA”), to Reject PG&E’s Proposed Increase to the PCIA, and to apply Some of the \$1 Billion to Offset PCIA Fees Paid by Marin Clean Energy (“MCE”) Customers

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

Reorganization of the Town Council: Selection of Mayor and Vice Mayor- Town Manager

Town Manager Toy presented the staff report.

M/S, Coler/Weinsoff, Motion to select Councilmember Goddard to serve as Mayor.

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

M/S, Weinsoff/Lacques, Motion to select Councilmember Reed to serve as Vice Mayor.

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

Mayor Goddard thanked Councilmember Coler for her service as Mayor and presented her with a plaque.

Ms. Mimi Newton thanked outgoing Mayor Coler and new Mayor Goddard for their service.

Break: The Council took a 15-minute break at 7:40 p.m.

Open Time

Ms. Polina Osipova, Outreach Associate for Resilient Neighborhoods, gave a status report on the group’s effort on reducing greenhouse gas emissions, preparing for emergencies, and building community.

Ms. Rose Taber, owner of Rainbow Fabrics, stated that the PG&E work on Bolinas Road had a huge impact on the merchants at this time of year. She suggested informing the Chamber of Commerce prior to agreeing to such projects in the future.

Town Manager Toy stated when PG&E had applied for the permit months ago, staff was unaware of the potential disruption. Staff was currently working with PG&E and the property owner to minimize the impact. In the future, this type of work will not be allowed during the holiday season.

Mr. Michael Macintosh offered the use of his property for staging of the PG&E project.

Mr. Brad Schwan, property owner for the PG&E project, stated the timing was unfortunate but new tenants were moving in and was working with PG&E to minimize the disruption.

Ms. Rose Taber stated variances were being granted in the downtown that were not conducive to retail business.

Reports

Annual Report regarding the Marin/Sonoma Mosquito and Vector Control District- Frank Egger, Town Representative

Mr. Frank Egger, Fairfax representative to the Marin/Sonoma Mosquito and Vector Control District, stated the three key issues for the district were: 1) The failed MCERA tax measure; 2) The requirement that all districts have an Environmental Impact Report for continued use of certain pesticides; 3) The agreement between the West Marin Mosquito Council and the Marin/Sonoma Mosquito and Vector Control District.

Consent Calendar

Accept Financial Statement and Disbursement Reports October 2015- Finance Director

Approval of minutes for the October 22, October 29, and November 4, 2015 Town Council meetings- Town Clerk

Approval of an Amended and Restated Employment Agreement with the Town Manager- Mayor

Acceptance of Marin Sanitary Services Third Quarterly Report (July-September, 2015) Town Clerk

Reappointment of Helen Fauss to the Fairfax Volunteer Board- Town Clerk

Approve replacement of the temporary bicycle racks in downtown at Broadway and Bolinas with permanent bicycle racks- Town Manager

Authorize the Town Manager to work with Marin Clean Energy (MCE) to implement an incentive program for Fairfax residents to switch to MCE Deep Green with funds received from the Bay Area Air Quality Management District (BAAQMD)- Mayor Coler

M/S, Weinsoff/Coler, Motion to approve the Consent Calendar with corrections to the November 4, 2015 minutes.

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

Council Reports and Comments

Councilmember Weinsoff reported on flooding issues and the need for detention basins; the next Flood Zone 9 Advisory Board meeting was December 15 at San Anselmo Town Hall.

Councilmember Coler reported she attended the Chamber of Commerce meeting; watched the Special Planning Commission meeting on-line; attended a workshop regarding medical marijuana; met with representatives of the San Francisco Seminary regarding broadening their outreach in the community; the MCCMC meeting; the Marin Clean Energy meeting.

Councilmember Reed reported he attended the MCCMC meeting; the medical marijuana workshop; a Ross Valley Fire Board meeting; two Bicycle & Pedestrian Advisory Committee (BPAC) meetings.

Councilmember Lacques reported he attended the MCCMC meeting and the Special Planning Commission meeting.

Mayor Goddard reported she attended the Special Planning Commission meeting; a meeting with Zero Waste Marin, Marin Sanitary Services, and White Hill School regarding a complete overhaul of the recycling and composting system for the school; the opening of the Memorial Park Skate Park; the "Time to Lead on Climate" event at Dominican University; worked on community outreach with the Disaster Preparedness Council.

Town Manager's Report

Town Manager Toy reported the Council recently approved the concept of replacing streetlights with LED lighting, and staff continued to work on the details with PG&E. The Council recently discussed the concept of financing for Capital Improvements and staff will report back on this in the spring. Holiday lights would be turned on this Saturday. Staff was working on improvements to the Women's Club stage.

The Council took a 7-minute break at 9:05 p.m.

Regular Agenda

Discussion/consideration of local regulations regarding cultivation of medical marijuana- Town Manager

Town Manager Toy gave a staff report, noting the attached table had been revised to include Tiburon and Belvedere. He stated that this discussion was limited to the issue of cultivation, with the purpose of the ordinance being to retain local control, and, as discussed at the November Council meeting, this was an opportunity for the Council to provide guidance to the PC in their consideration of a local ordinance.

Mr. Michael Macintosh stated the Council should address a way for this to pay for itself, similar to a Transient Occupancy Tax. This would also help with regulation and enforcement.

A resident of San Rafael stated there were many issues to address and it would be very difficult to set plant limits for patients. She stated that proposed State Senate bills were unconstitutional as they apply to medical cannabis patients.

Ms. Lynette Shaw stated she was working to reopen the Marin Alliance in Fairfax but it could take several years. She urged the Council to look at allowing commercial grows.

Mr. Brandon Levine, dispensary operator in Cotati, stated he supported regulation of this industry. He discussed "cannabusinesses"- those other than growing and dispensaries.

Mr. Patrick Crane, Sir Francis Drake Blvd., cultivation specialist for Marin Patient Access, cannabis cultivator operating in the East Bay, stated patients' needs varied greatly which made creating any set standard very difficult. He supported outdoor grows since indoor grows were energy intensive. He supported access to regulated dispensaries.

Mr. Jordan Burns, Sebastopol, supported the Council to act now to maintain local control. He supported a policy that addressed patients' needs.

Mr. Omar Figueroa, Cannabis Defense and Compliance attorney, stated the Council had an opportunity to create a comprehensive cultivation ordinance. He supported maintaining local control, protecting the rights of patients and the general public. He submitted a model ordinance to the clerk.

The Council took a ten-minute break at 9:45.

The Council discussed the need to maintain local control, and reached consensus on guidelines for an ordinance to adopt a ban with exceptions. Specifically ban commercial cultivation; ban indoor cultivation with exceptions for qualified patients and caregivers; under exceptions allow a maximum number of plants per parcel; only count mature plants; and other requirements (e.g., tagging, location of plants).

Town Manager Toy stated staff would draft an ordinance based on the Council's discussion for the Planning Commission to review this month.

Adoption of a Resolution Granting the Appeal and Approving a Use Permit and Parking Variance for 15 Scenic Road (APN 001-146-03)- Planning Director

Councilmember Reed recused himself since he lives within 250 feet of the subject property.

Town Manager Toy presented the staff report, and noted the resolution before the Council was the one in the Supplemental Packet.

M/S, Coler/Weinsoff, Motion to adopt a Resolution Granting the Appeal and Approving a Use Permit and Parking Variance for 15 Scenic Road.

AYES: Coler, Lacques, Weinsoff, Mayor Goddard

RECUSED: Councilmember Reed

Councilmember Reed returned to the dais.

Second reading by title only and adoption 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, Section 15061(b)(3) and 14 C.C.R. Section 15308- Planning Director

Mayor Goddard stated this item was continued to the next Council meeting.

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 11:03 p.m. to a Special Meeting. The next Regular Council meeting will be January 13, 2016, due to the Winter Furlough.

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

Respectfully submitted,

Toni DeFrancis, Recording Secretary