

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **January 13, 2016**

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinssoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Michael Vivrette, Finance Director
Linda Neal, Principal Planner

Mayor Goddard called the meeting to order at 7:00 p.m. in honor of music legend David Bowie.

Approval of Agenda and Affidavit of Posting

M/S, Weinssoff/Coler, Motion to approve the agenda and the affidavit of posting.
AYES: Coler, Lacques, Reed, Weinssoff, Mayor Goddard

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. She added the Resilient Neighborhoods Program meeting tomorrow night at the Women's Club at 7:00 p.m. Councilmember Coler announced she sent a letter to the California Public Utilities Commission asking them to deny PG&E's request to increase the Power Charge Indifference Adjustment Fee (PCIA) that is charged to Marin Clean Energy (MCE) customers, but the CPUC approved PG&E's request. The incentive program funded by a grant from the Bay Area Air Quality Management District for new MCE Deep Green customer sign-ups at \$5 a month for 12 months will start sometime in February.

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

The Council welcomed Ms. Levenson.

Open Time

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report and discussed the recent survey and upcoming events.

Ms. Suzuki Cady, Glen Drive, discussed the campaign to save Lefty Gomez/White Hill Middle School Field from becoming a storm water detention basin facility.

Mr. Ralph Lewis, Glen Drive, opposed the construction of a detention basin at Lefty Gomez Field and asked for "greener" solutions.

Ms. Diane Demarly, Glen Drive, agreed with the comments made by Mr. Lewis and stated she had serious safety concerns including drowning and exposure to contaminated groundwater.

Ms. Brigit Wieg, Glen Drive, agreed with the comments made by her neighbors and stated less expensive solutions should be reviewed.

Mr. Frank Egger, Meadow Way, opposed the creation of detention basins in the Ross Valley and expressed the need safer, greener solutions that would not impact the neighborhood.

Mr. Michael Macintosh stated Flood Zone 9 had, at one time, determined that his property was a potential option for a detention basin, but that it was unfeasible for many reasons.

Mr. Yanos Kurjasik, Glen Drive, agreed with the comments made by his neighbors in opposition to the detention basin and supported environmental best practices..

Ms. Rose Taber, Bolinas Road, stated the construction along Bolinas during the holidays was disruptive to the merchants.

Interview and appointment of Fairfax Representative to the Marin/Sonoma Mosquito and Vector Control District Board of Trustees- Town Clerk

Town Manager Toy presented a staff report.

The Council interviewed the applicants, Mr. David James and Mr. Frank Egger.

Mr. Christopher Lang, Canyon Road, stated the Marin/Sonoma Mosquito Abatement Board should be dissolved because of the enormous unfunded liability.

Mr. Larry Bragman, Mr. Joseph Odem, Mr. Niccolo Caldararo, and Mr. Michael Macintosh spoke in support of Mr. Egger.

M/S, Coler/Reed, Motion to appoint Mr. Frank Egger for a two-year term to continue to represent Fairfax on the Marin/Sonoma Mosquito and Vector Control District Board of Trustees.
AYES: Coler, Lacques, Reed, Mayor Goddard
NOES: Weinsoff

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

Presentations

Marijuana: Truth and Consequences- Noah Block, High School Volunteer, Marin County Youth Court

Mr. Noah Block, Sir Francis Drake High School student representing the Marin County Youth Court, gave a PowerPoint presentation regarding marijuana use by youth.

Marin Villages- Lisa Brinkmann, Executive Director

Ms. Lisa Brinkman made a presentation regarding this grass-roots organization, which was a member of a nation-wide network to support the ability of seniors to stay in their homes and communities. She noted that they can always use more volunteers.

Consent Calendar

Accept Financial Statement and Disbursement Reports November 2015- Finance Director

Approval of minutes for the December 2, 2015 Town Council meetings- Town Clerk

Reappointment of Planning Commissioner Laura Kehrlein - Town Clerk

Approval of a contract with Sustainable Fairfax to implement the mandates of the Zero Waste grant including public education and outreach services related to recycling and green waste- Town Manager

Approve purchase of 26 recycling and trash stations to replace the existing receptacles and add new stations in the downtown area- Town Manager

Adopt a Resolution Authorizing Submittal of Application for CalRecycle Payment Programs and Related Authorizations- Town Manager

Mayor Goddard asked that item #7 be considered separately as she needed to recuse herself fro.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the removal of item #7.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Mayor Goddard left the chamber. Vice Mayor Reed presided.

M/S, Weinsoff/Coler, Motion to approve Consent Calendar item #7.
AYES: Coler, Lacques, Reed, Weinsoff
ABSENT: Mayor Goddard

Mayor Goddard returned to the dais.

Council Reports and Comments

Councilmember Weinsoff discussed the issue of flooding and stated it was very challenging. He stated a detention basin at Lefty Gomez Field was necessary for flood control and if it is not built then severe flooding will occur again.

Councilmember Coler reported she attended the community meetings regarding flood control; attended a Community Media Center of Marin Board meeting; did a commercial media spot for the Cool California Challenge; attended a Countywide Public Disaster and Emergency Preparedness meeting; tabled with the Fairfax Climate Action Committee meeting; attended a Marin Clean Energy meeting.

Councilmember Reed reported he attended the Chamber Mixer; the Ross Valley Fire Board meeting; the Volunteers Holiday Party; several Transportation Authority of Marin meetings; a Flood Zone 9 meeting;

Councilmember Lacques reported he attended the Chamber Holiday Party.

Mayor Goddard reported she attended several Bicycle Pedestrian Advisory Committee (BPAC) meetings; met with the Town Manager and the Chamber of Commerce; attended the Flood Zone 9 meeting; an ABAG Delegates meeting; continued to work with the Zero Waste Committee and White Hill Middle School regarding a composting program.

Town Manager's Report

Town Manager Toy stated he will report in February after meeting with the Marin Association of Realtors and the Marin Municipal Water District (MMWD) regarding the Ordinance that would modify toilet requirements. He gave an update on the PG&E street lights retrofit project.

Public Hearings

Introduction and first reading by title only of an Ordinance Amending Section 17.138.010 ("Emergency Homeless Shelter Standards") of Title 17 ("Zoning") of the Fairfax Town Code, amending on-site management provisions- Planning Director

Planning Director Moore presented a staff report.

Mayor Goddard opened the Public Hearing.

There was no testimony. Mayor Goddard closed the Public Hearing.

M/S, Coler/Lacques, Motion to introduce and read by title only an Ordinance Amending Section 17.138.010 ("Emergency Homeless Shelter Standards") of Title 17 ("Zoning") of the Fairfax Town Code, amending on-site management provisions- Planning Director
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Introduction and first reading by title only of an Ordinance Amending Chapters 17.048 ("Residential Second Units"), 17.076 ("RS-7.5 Single Family Residential Zone, Medium Density"), 17.080 ("RS-6 Single Family Residential Zone, High Density"), 17.084 ("RD 5-5.7 Residential Zone, High Density"), 17.116 ("SF-RMP Single- Family Residential Master Planned District"), and 17.124 ("UP Upland Residential Zone"), of Title 17 ("Zoning") of the Fairfax Town Code to allow and regulate Junior Second Units within existing single family residences- Planning Director

Planning Director Moore presented a staff report. He noted several friendly amendments which were reflected in the "redline" draft distributed as a supplement at the beginning of the meeting.

Mayor Goddard opened the Public Hearing.

Mr. Bruce Ackerman, Fairfax resident, supported the ordinance.

Mr. Michael Macintosh stated the ordinance should make more units affordable.

Ms. Nicosea, representing Lillipad Homes, stated the Marin Municipal Water District (MMWD) has stated they do not intend to implement fees for these units. She supported the ordinance and urged the Council to adopt the ordinance.

Mr. Sierra Salin had questions about the "owner-occupied" clause of the ordinance and questioned whether this ordinance would truly create affordable housing.

Ms. Lori Mackie, Broadway, supported the ordinance and stated she would consider creating a junior second unit in her home.

Mayor Goddard asked Ms. Rachel Ginnis of Lillipad Homes how many people have expressed interest in including a bathroom in their junior second unit. Ms. Ginnis stated most of the people who have contacted her organization have expressed the desire to create a private unit.

Mr. John Stalp, Taylor Drive, stated the owner-occupied issue was helpful in creating a community atmosphere. The big issue is the “heart and soul” of Fairfax.

Mayor Goddard closed the Public Hearing.

M/S, Coler/Lacques, Motion to Introduce and waive first reading of an Ordinance of the Town Council of the Town of Fairfax Amending Chapters 17.048 (“Residential Second Units”), 17.076 (“RS-7.5 Single Family Residential Zone, Medium Density”), 17.080 (“RS-6 Single Family Residential Zone, High Density”), 17.084 (“RD 5-5.7 Residential Zone, High Density”), 17.116 (“SF-RMP Single- Family Residential Master Planned District”), and 17.124 (“UP Upland Residential Zone”), of Title 17 (“Zoning”) of the Fairfax Town Code to allow and regulate Junior Second Units within existing single family residences, as amended by staff.

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

The Council took a 10-minute break at 10:00 p.m.

Introduction and first reading by title only of an Ordinance Adding a New Article III (“Medical Marijuana Cultivation”) to Town Code Chapter 17.138 (“Regulations Applying in Multiple Districts”) of Title 17 (“Zoning”) of the Fairfax Town Code, to ban marijuana cultivation with exemptions for personal cultivation for qualified patients and primary caregivers- Town Manager and Planning Director

Town Manager Toy presented a staff report, and suggested adding a “whereas” to the ordinance indicating the Council’s intent to continue to refine the ordinance. The Town Clerk distributed a copies of the language to the Council and the public.

Mayor Goddard opened the Public Hearing.

Mr. Bruce Ackerman, Planning Commissioner, stated that although he had abstained from voting on the Resolution recommending the Town Council adopt the ordinance, he supported the policy of going easy and modestly. His abstention was in opposition to the State’s imposition of such a tight timeframe.

Ms. Lynette Shaw, Scenic Road, read a statement discussing her concerns and asked the Town to adopt the current California State law rather than a ban.

Mr. Ryan Skelsky, Executive Director of Marin Patient Access, supported the Town Council adopting local regulations to fit Fairfax.

Ms. Laura Kehrlein, speaking as a member of the public, requested that the ordinance allow for indoor cultivation, and incorporate Fairfax’s progressive views.

Mr. Larry Bragman, Fairfax resident, had concerns that the ordinance affected the town’s existing medical marijuana dispensary ordinance. He suggested instead of attempting to get in to details, the Council could instead introduce a “placeholder” ordinance that would reserve the Town’s rights to regulate in the future.

Town Attorney Coleson stated that a reservation of rights alone in an ordinance would be too vague. She suggested the Council could add language to the ordinance before them that nothing in the ordinance is intended to abrogate existing sections of the Town Code.

Ms. Mallory Geithem, Fairfax, agreed with the comments made by Mr. Bragman. She noted alcohol and tobacco were the biggest killers; marijuana does not kill anybody.

M/S, Reed/Lacques, Motion to Introduce and waive first reading of an Ordinance Adding a New Article III (“Medical Marijuana Cultivation”) to town Code Chapter 17.138 (“Regulations Applying in Multiple Districts”) of Title 17 (“Zoning”) of the Fairfax Town Code, to ban marijuana cultivation with exemptions for personal cultivation for qualified patients and primary caregivers, as amended by the Council tonight.

AYES: Coler, Lacques, Reed, Mayor Goddard

ASTAIN: Weinsoff

Councilmember Weinsoff noted for the record that he objected to making critical decisions at this late hour.

Mayor Goddard noted that it because it was after 11:30 pm, the Council would need to vote to suspend their rule of not considering new matters after 11:30 p.m. or adjourn the meeting.

Mr. Michael Macintosh spoke in support of continuing the items to the next meeting.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:57 p.m. in memory of John Celani and convene to a Special Meeting.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary