

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, March 7, 2018

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

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

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

Conference with Legal Counsel- Existing Litigation
Government Code Section 54956.9(d)(1)
Gina Farr and Douglas Smith v. Town of Fairfax, et al., Marin Superior Court No. CIV 1800433

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency
designated representative: Garrett Toy, Town Manager; Employee Organization: Fairfax Police
Officers Association

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques, Mayor
John Reed

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, 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

Town Manager Toy asked the Council to continue Consent Calendar item #4.

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

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. He announced
that today was Rudy Contratti's 30-year anniversary with the Town of Fairfax. Councilmember

Goddard announced there would be a party celebrating the Away Station (which is closing). She announced there would be a community-wide Seder at the Women's Club on Friday, March 30th at 5:30 p.m.

Open Time

Mr. Tom O'Neill, Dominga Avenue, stated Fairfax was a wonderful Town and he thanked the staff.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, stated the Commission recently held a meeting on volunteerism and civic engagement. The next meeting will be held on April 5th and will include a Public Hearing on the 2018-19 Area Plan Update. She stated the last Age Friendly Fairfax Forum was well attended.

Ms. Kiki LaPorta, Glen Drive, stated the Chamber of Commerce Brewfest was coming up on March 17th at the Pavilion. She briefly discussed the services performed by the Chamber of Commerce. She asked the Council to switch the order of Agenda items #11 and #12.

Ms. Ling Shien Bell, Dominga Avenue, stated the new street lights were too bright; the creek under Town Hall had big branches in it; and the music at the Farmers Market (last year) was too loud.

Mr. Jason Menckler, Berry Trail, requested the Council fix Berry Trail's pavement.

Mr. Ross Asselstine, San Anselmo, discussed flood control in the Ross Valley.

Mr. David Haskell, Glen Drive, suggested the parking lot to the west of the Parkade be included in discussions about improvements to the Parkade, adding it would be a good place for a public restroom.

Mr. Mark Bell, Dominga Avenue, was concerned that items on the Consent Calendar were not open for discussion. He complained about the music from the Farmers Market and Peris Bar.

Ms. Kim Turbold, Spruce Road, complained about the lack of code enforcement concerning her neighbor's garage unit. Staff was directed to report back next month

Consent Calendar

1. Accept Financial Statements and Disbursement Reports January 2018- Finance Director
2. Approval of minutes for the February 7, 2018 Town Council meeting- Town Clerk
3. Approve Amendment to Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) regarding new employee orientations in compliance with AB 119- Town Manager
4. Adopt a Resolution Expanding the Membership of the Climate Action Committee- Mayor Lacques and Councilmember Ackerman
5. Accept Marin Sanitary Service Annual Report- Town Manager
6. Accept 2017-18 Mid-Year Budget Review Report and approve mid-year budget adjustment- Finance Director, Town Manager

7. Approve Flashing Crosswalk Systems at Azalea Ave. and Sir Francis Drake Blvd. and Mitchell Dr. and Sir Francis Drake Blvd. in an Amount Not to Exceed \$45,000- Town Manager
8. Proclamation Celebrating the 50th Anniversary of the Fair Housing Act- Mayor Lacques
9. Approve the Notice of Completion for 93 Madrone Roadway Stabilization Project- Town Manager

Councilmember Coler referred to item #7 and asked that Measure “J” funds be used.

M/S, Coler/Reed, Motion to approve the Consent Calendar with the continuation of item #4.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Public Hearing

10. Adopt a resolution approving a 6.54% service rate increase for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services; exempt from the California Environmental Quality Act (CEQA) per 14 CCR 15061(b)(3), as it can be shown with certainty that the action will have no adverse significant effect on the environment-
Town Manager

Town Manager Toy presented a staff report.

Mr. Garth Shultz, representing R3 Consulting who performed an independent review of the rate increase application, gave a PowerPoint presentation and answered questions from the Council.

Mr. Ron Piombo, Fairfax resident and General Manager for MSS, in response to a question regarding securing the lids of containers against raccoons, stated the company had recently transitioned to fully automated trucks, and they were looking into providing options for securing lids that would work with the automation. Customer use of bungy cords made the driver get out of the truck.

Ms. Patti Garbarino, President of MSS, introduced the other MSS representatives in the audience. She noted the company rarely achieved the anticipated profit margin.

Mayor Lacques opened the Public Hearing.

Mr. George Bianchini stated he would like MSS to get the contract for West Marin.

Mr. David Haskell, Glen Drive, stated the Climate Action Committee was trying to eliminate organics from the landfill bin. He thanked MSS for its excellent service.

Wendy, Fairfax, appreciated what we do with garbage here, noting it was very different in other places.

Mr. Lew Tremaine, Sir Francis Drake Boulevard, stated his 16-unit apartment complex's one green cart and the recycling cans were never used correctly, and requested education.

Ms. Kim Scheibly, representing MSS, noted they had to go through the property manager of the apartment complex to get permission to do things such as education. She answered questions from the Council.

Mayor Lacques closed the Public Hearing.

M/S, Goddard/Ackerman, Motion to adopt a resolution approving a 6.54% service rate increase for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services, exempt from the California Environmental Quality Act (CEQA) per 14 CCR 15061(b)(3), as it can be shown with certainty that the action will have no adverse significant effect on the environment.

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

Councilmember Coler asked that item #12 be heard prior to #11.

Regular Agenda

12. Introduce and read by title only an Ordinance Adding Chapter 5.52 Entitled "Income-Based Rental Housing Discrimination" to the Fairfax Municipal Code, Title 5, to Increase Affordable Housing Opportunities in the Town which would prohibit landlords from discriminating against prospective renters solely on the basis that a portion of their rent was guaranteed by a third party subsidy such as a Section 8 housing voucher, CEQA Categorically Exempt Class 8, CEQA Guidelines Sections 15060(c)(2), 15061- Town Manager

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

Ms. Leelee Thomas, representing the Marin County Community Development Agency, supported the ordinance. One of the obligations in receiving Community Development Block Grant (CDBG) fund is to affirmatively further fair housing.

Ms. Casey Epp, Supervising Attorney for Fair Housing Advocates of Northern California, thanked the Council for considering the ordinance. She noted voucher holders were not a protected class but often were representative members of protected classes in large proportions, including people with disabilities, people of color, and families with children.

Ms. Laurie Joyce, attorney with Legal Aid of Marin, stated she worked on behalf of low-income people, including seniors and teachers who were voucher holders. She supported the ordinance.

Ms. Kiki LaPorta, representing the Marin Environmental Housing Collaborative, discussed the need for affordable housing and the importance of adopting this ordinance. She thanked the Council for protecting Fairfax's community character and characters.

Wendy, Fairfax, supported the ordinance.

Ms. Lisel Blash, Pacheco Avenue, supported the ordinance and thanked the Council for their leadership.

M/S, Coler/Goddard, Motion to introduce and read by title only an Ordinance Adding Chapter 5.52 Entitled "Income-Based Rental Housing Discrimination to the Fairfax Municipal Code, Title 5, to Increase Affordable Housing Opportunities in the Town which would prohibit landlords from discriminating against prospective renters solely on the basis that a portion of their rent was guaranteed by a third party subsidy such as a Section 8 housing voucher, CEQA Categorically Exempt Class 8, CEQA Guidelines Sections 15060(c)(2), 15061.

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

The Council took a 5-minute break at 8:45 p.m.

11. Begin discussion/consideration of local cannabis (non-medical and medical marijuana) regulatory options- Planning Director, Town Manager

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

Town Manager Toy and Town Attorney Coleson answered questions from the Council.

Ms. Mimi Newton, Mono Avenue, spoke as a resident and not the Planning Commissioner. She opposed further restricting locations of retail establishments; state law already limited the number. She asked the Council to focus on local formula business laws and license sizes. She noted that this was about adult use.

Ms. Beverly Brewster, Cascade Drive, representing the Coalition Connection, expressed concern and opposition to cannabis retail in Fairfax, noting it was not family friendly. She asked the audience for a show of hands if they agreed. Approximately 20 people raised their hands

Ms. Maya Buell, sophomore at Drake High School, was opposed to cannabis retail in Fairfax, and concerned it would lower the perception of harm and normalize cannabis.

Ms. Georgia Little, Junior at Drake High School, was opposed to cannabis retail in Fairfax. She saw the negative effects that cannabis has had on fellow students.

Mr. Charles James, Morningside, stated THC consumption is detrimental to the development of young adults. He was opposed to the retail sale of cannabis in Fairfax.

Mr. Don Carney, Director of the Marin County Youth Court, stated that the lack of perceived lack of harm leads to cannabis experimentation at younger ages. 70% of his cases were substance driven, with the majority related to cannabis. He opposed cannabis retail in Fairfax except for the current medical dispensary.

Dr. Heather Karlberg, Head of Marin General Hospital Psychiatry Department, stated she had concerns about the way cannabis affects the teenage developing brain. She advocated a decrease in the availability of cannabis.

Ms. Holly Schafer, 10 Alder Court, shared the concerns expressed by other speakers. She opposed commercial cannabis store fronts in Fairfax. She noted the Town's online survey regarding this issue was not valid in terms of data collection.

Ms. Bridget Clark, Indian Rock Road, asked Fairfax to continue its commitment and obligation to the safety and health of the community. She stated she regularly saw people driving impaired.

Mr. Dave Parnow stated he was part of a small group who recently submitted an application to open a medical cannabis dispensary in town. He was opposed to recreational cannabis retail in Fairfax.

Ms. Annie Willander, Fernwood Drive, was concerned that recreational cannabis retail would bring about the increase in local kids' access to cannabis.

Mr. Doug Harning, Mono Avenue, supported allowing a one recreational cannabis store in town. He noted that youth who wanted cannabis would get it with or without a store.

Ms. Nicole McConnell, White Hill Middle School teacher, opposed the retail sale of cannabis in Fairfax. She was concerned that Marin County youth had a much higher rate of cannabis use.

Ms. Kelsey Fernandez, Fairfax, supported the recent inclusion of marijuana in the Town's Social Host Ordinance, and opposed the retail sale of cannabis in Fairfax.

Mr. Lew Tremaine, representing the Marin Alliance for Medicinal Marijuana, stated people bought marijuana on the black market or had it delivered to their home. Communities that allowed retail establishments saw a decrease in black market activity. Communities that allowed legalized cannabis saw a 10% to 20% decrease in teen use. He supported the legal sale of cannabis to adults.

Mr. George Bianchini, San Geronimo, stated regulations would allow the Town to control how cannabis is dealt with in the community. He did not think any deaths had ever been attributed to the use of marijuana.

Ms. Shelley Clark, Forrest Terrace, supported allowing a recreational cannabis store in town, as well as regulating the delivery of cannabis.

Mr. Sierra Salin, Oak Manor, stated he did not think the use of cannabis by teens had risen since the 1970's. He supported educating youth on what drugs do.

Ms. Nicole MacDonald, Fairfax, stated she was pleased with the thoughtful approach to this complex topic.

The Council reached consensus on eliminating four areas, testing labs, commercial cultivation, manufacturing, and distribution and directed staff to schedule a special Town workshop with an expert to provide more information on commercial medical cannabis dispensaries/retailers; non-medical cannabis retail; cannabis delivery, microbusiness, cannabis temporary events.

Mayor Lacques stated the Council would continue to discuss this topic, and directed staff to gather more information.

13. Discuss/consider priorities and possible ADA improvements for the Parkade in downtown-Town Manager

Mayor Lacques stated this item was continued.

Council Reports and Comments

Councilmember Ackerman reported he attended the MCCMC meeting; the MCCMC ad hoc committee meeting on pension issues; the Climate Action Committee meeting; the Transportation Authority of Marin (TAM) meeting; the Berkeley Energy and Resources Collaborative meeting; the Ross Valley Sanitary District Board meeting; the Flood Zone 9 meeting; an Environmental Forum regarding renewable energy.

Councilmember Reed reported he attended the TAM meeting; the Ross Valley Fire Authority Board meeting; met with Drake High School students regarding marijuana use; attended the Volunteer Board meeting; the MCCMC meeting; a Ross Valley Paramedic Authority (RVPA) meeting; a Street Smarts Event.

Councilmember Coler reported she attended the County Assessment of Fair Housing meeting; the MCCMC meeting; the Community Media Center of Marin (CM2) Board meeting; the Age-Friendly Task Force meeting; the Marin Telecommunications Agency Executive Officer recruitment meeting; the Marin Clean Energy Board and Executive Committee meeting.

Councilmember Goddard reported she attended several Fire-Wise community meetings; met with the Chamber of Commerce; attended the Yellow School Bus meeting; the College of Marin “Not in Our Town” event; several Coalition Connection meetings.

Mayor Lacques reported he attended the Climate Action Committee meeting; the Ross Valley Fire Authority Board meeting; met with the Chamber of Commerce, attended the Zero Waste Sub-Committee meeting; the Wildland Fire Preparedness Community Conversation meeting.

Town Manager Report

Town Manager Toy reported he had nothing to report.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:25 p.m. in memory of Mr. Charles Weinsoff, Mr. Walter Kassoway, Mr. Philip Louis Bortolussi, and Mr. John Perry Barlow.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary