

Draft Fairfax Town Council Minutes  
**Special Meeting**  
Fairfax Women's Club  
Wednesday, November 4, 2015 from 6:30 to 7:00 pm

Call to Order/Roll Call:

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

**STAFF MEMBERS PRESENT:** Michele Gardner, Town Clerk

Mayor Coler called the Special Meeting to order at 6:34 pm.

Interviews and Appointments

Interview and Appointment of Applicant to fill vacancy on the Fairfax Tree Committee- Town Clerk

The Council conducted the interview of Ms. Susan Brandborg to serve on the Fairfax Tree Committee.

M/S, Weinsoff/Goddard, Motion to appoint Susan Brandborg to fill the vacancy on the Fairfax Tree Committee.

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

Interview and Appointment of Applicant to fill vacancy on Fairfax Volunteer Board- Town Clerk

The Council conducted the interview of Ms. Marcia Custer to serve on the Fairfax Volunteer Board.

M/S, Lacques/Reed, Motion to appoint Marcia Custer to fill the vacancy on the Fairfax Volunteer Board for a three year term.

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

The meeting was adjourned at 6:59 p.m.

Respectfully submitted,

Michele Gardner  
Town Clerk

DRAFT 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.

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 amend 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 24<sup>th</sup> 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 Gardner'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. Tru Hites, 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, Weinssoff/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, Weinssoff, 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 ordinance.

Mayor Coler closed the Public Hearing.

M/S, Weinssoff/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, Weinssoff, 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 15<sup>th</sup> 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 Geitheim 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

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**Special Meeting**  
Fairfax Women's Club  
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Renee Goddard  
Peter Lacques  
John Reed  
David Weinssoff

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

Mayor Coler called the Special Meeting to order at 11:12 pm.

Approval of Agenda and Affidavit of Posting

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

Consent Calendar

Authorize the Mayor to sign a letter to California Public Utilities Commission (CPUC) and to Governor Brown in support of Net Energy Metering Successor Tariff- Mayor Coler

Mayor Coler presented a report.

M/S, Weinssoff/Reed, Motion to authorize the Mayor to sign a letter to California Public Utilities Commission (CPUC) and to Governor Brown in support of Net Energy Metering Successor Tariff.

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

M/S, Reed/Coler, Motion to adjourn the Special Meeting at 11:18 p.m.  
AYES: Goddard, Lacques, Reed, Weinssoff, Mayor Coler

Respectfully submitted,

Toni DeFrancis  
Recording Secretary

Draft Fairfax Town Council Minutes  
Special Meeting for the Purpose of Conducting a General Plan Forum  
Fairfax Women's Club  
**October 29, 2015, 6:00 p.m.**

The regular meeting was preceded by a Closed Session from 5:00 p.m. to 6:00 p.m.-

PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957:

Title: Town Manager

Call to Order/Roll Call:

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

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Jim Moore, Director, Planning and Building

Mayor Coler called the meeting to order at 6:09 p.m.

Mayor Coler stated there was nothing to report from the closed session.

Approval of Agenda and Affidavit of Posting

M/S Weinssoff/Goddard, Motion to approve the agenda and affidavit of posting

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

The Town Council conducted a forum on the policy considerations and process for changing Town Code to allow second story residential units in the downtown area without a use permit, i.e., rezone Highway Commercial (CH) to Central Commercial (CC).

Public comments were recorded on a flip chart. Staff indicated the comments would be shared with the Planning Commission.

It was the consensus of the Council that the policy considerations for the Planning Commission to consider included: parking standards, affordability, a range of unit sizes, and preservation of historical structures.

The Meeting was adjourned at 8:15 p.m. in memory and honor of Lou Vaccaro.

Respectfully submitted,

Michele Gardner, Town Clerk

Draft Fairfax Town Council Minutes  
**Special Meeting**  
To attend the Fairfax Planning Commission Workshop on the Wall Property  
Fairfax Women's Club  
Thursday, October 22, 2015, 7:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Barbara Coler  
Renee Goddard  
Peter Lacques

The meeting was called to order at 7:10 p.m.

The Planning Commission conducted the Workshop to discuss the property owner's concepts for development of the "Wall property."

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Garrett Toy,  
Town Manager