

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
March 7, 2007

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Susan Brandborg  
Mary Ann Maggiore  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:** Linda Kelly, Town Manager  
Ann Welsh, Planning Director  
Ken Hughes, Chief of Police  
Jim Karpiak, Town Attorney  
Mark Lockaby, Building Official  
Judy Anderson, Town Clerk

Mayor Bragman called the meeting to order at 6:30 p.m. at the Youth Center, 16 Park Road, and adjourned to Closed Session on the following matter:

CONFERENCE WITH LEGAL COUNSEL – Public Employee Discipline/Dismissal/Release pursuant to California Government Code 54957 (b) (1)

Mayor Bragman called the regular meeting to order at 7:30 p.m. at the Women's Club.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Brandborg, Motion to approve the agenda and the affidavit of posting with the item regarding naming properties after Gloria Duncan and Frank Egger to be heard after the Consent Calendar; the item regarding Resolution No. 2479 adopting Zero Waste as a long-term goal to be heard after the item on the possible conversion of Mono Avenue to pedestrian-only; and with the last item requesting financial information to be moved to be heard after the item about possible police consolidation.

AYES: All

Announcement of Closed Session Action

Mayor Bragman announced that the Council had received legal advice from their attorneys and more information about the disability claim of Sergeant Torres and the consensus of the Council was to approve the resolution as it was written and included on the Consent Calendar of the regular agenda.

Announcements

Mayor Bragman made the following announcements: that new members were welcome on the General Plan Advisory Committee and on the Fairfax Youth Commission; that the next Strategic Planning Workshop of the Town Council, held in conjunction with the Economic Development Advisory Committee, would be held on Saturday, March 24th, 9 a.m to Noon; that the 12<sup>th</sup> Annual St. Patrick's Day Brewfest would be held on Saturday, March 17, 2007, from 1:00 to 5:00 p.m., at the Fairfax Pavilion; that the Citizens Disaster Council had produced a disaster guide that was available at the Police Department and Town Hall and acknowledged the businesses that contributed to the cost of the production of the guide; and that Fairfax Festival poster art

submissions were due April 6<sup>th</sup>.

Councilmember Brandborg announced that she had been nominated by MCCMC to serve as a member of the County's Disaster Commission and had been subsequently appointed by the Board of Supervisors to serve in that capacity.

Councilmember Weinsoff announced that the Fairfax Documentary Film Festival would be held on March 30<sup>th</sup> and 31<sup>st</sup> at the Fairfax Theatre.

#### Open Time For Public Expression

Richard Rogler, 10 Banchero Way, urged the Council to continue work on flood prevention.

Jeffrey Gale, 2575 Sir Francis Drake Blvd., praised the Mayor for his leadership; referred to a front page article in the Marin Independent Journal about the number of pedestrian deaths in San Rafael and stated that a recent accident showed that the town didn't have enough officers or safety measures in place to protect our pedestrians. He urged the Council to keep the safety of pedestrians in mind when making any improvements.

#### **INTERVIEWS/APPOINTMENTS/PRESENTATIONS**

##### Interview and appointment of candidate(s) to serve on the Volunteer Board for a full three-year term to March 31, 2010

The Council interviewed Anya Schandler as a candidate.

M/S, Weinsoff/Brandborg, Motion to appoint Anya Schandler to serve on the Volunteer Board for a full three-year term to March 31, 2010.

AYES: All

##### Presentation of a "Caution: Wildlife Crossing" sign and request to post on Town property west of Oak Manor Shopping Center, Manor Elementary School 4<sup>th</sup> grade class, teacher Laura Honda, Tremaine

Laura Honda and members of her class requested that "Caution: Wildlife Crossing" signs be posted along Sir Francis Drake west of the Oak Manor Shopping Center to make motorists aware of the animals crossing to get to the creek for water. They also requested that slits or openings be made in the fence every 100 feet to allow access to the creek for the animals. They provided information packets on how to have your yard certified as an animal habitat. The prototype for the sign was presented as designed by the members of Ms. Honda's class.

M/S, Tremaine/Maggiore, Motion to direct staff to work with Laura Honda on the placement of signs on Sir Francis Drake and on creating access to water for wild animals.

AYES: All

#### CONSENT CALENDAR

**Approval of cash disbursements for February, 2007**

**Approval of Town Council Minutes of January 31, February 7 and 17, 2007**

**Adoption of Proclamation Declaring April as Fair Housing Month**

**Authorize Mayor to sign letter to Assemblymember Nicole Parra and the Assembly Agriculture Committee in support of AB 541 (Huffman), The Food and Farm Protection Act, regarding genetically modified crop production, Bragman**

**Authorize Mayor to sign letters to State Legislators advocating for expeditious appropriation of Proposition 1B funding to cities**

**Approve staff recommendation to render fireplaces in Town buildings inoperable, to both increase fire safety and to reduce woodburning smoke emissions**

**Receive and file report on Town of Fairfax Amicus Brief prevails in the California Supreme Court, a landmark ruling under the California Environmental Quality Act (CEQA), Bragman**

**Receive and file status report on cost-saving options with respect to employee benefits as specified in memoranda of understanding with employee unions**

**Receive and file status report on proposed woodburning appliance ordinance**

**Adoption of Resolution No. 2480, A Resolution of the Town Council of the Town of Fairfax determining the industrial disability of employee Phil Torres**

Vice Mayor Maggiore indicated that she had some corrections to the minutes that she would present directly to the clerk.

M/S, Brandborg/Bragman, Motion to adopt the Consent Calendar.

AYES: All

Consideration of Adoption of Resolution No. 2476 and Resolution No. 2477 Naming Town Open Space Parcels for former Council Members Gloria Duncan and Frank Egger

Councilmember Brandborg requested that wording be added to the resolution to acknowledge Ms. Duncan's establishment of a Pest Management Advisory Committee that developed the ban on the use of herbicides and pesticides on Town property and also to state that she was one of the main forces behind the ban on polystyrene food packaging in Fairfax.

M/S, Brandborg/Weinsoff, Motion to adopt Resolution No. 2476 a Resolution of the Town Council of the Town of Fairfax dedicating and naming the public property along Fairfax Creek between Olema Road and the back of 1-16 June Court (APN 174-220-15) to become the "Gloria Duncan Creekside Preserve," with the additional language requested.

AYES: All

M/S, Bragman/Tremaine, Motion to adopt Resolution No. 2477, a Resolution of the Town Council of the Town of Fairfax dedicating and naming the public property between Meadow Way and Canyon Road, formerly known as "Dense Forest" the "Lands of Bragado" and the "Melvin Property" (APN 197-070-05) to become the "Frank Egger Redwood Grove."

AYES: All

**PUBLIC HEARING**

Discussion and Consideration of adoption of Town Center Element of the Fairfax General Plan and Initial Study and Negative Declaration as required by CEQA (California Environmental Quality Act)

Councilmember Brandborg recused herself from the discussion because of the proximity of her property to the Town Center.

Planning and Building Services Director Welsh presented an overview of the proposed Town Center Element with the assistance of Bruce Ackerman, Chair of the General Plan Advisory Committee.

Mayor Bragman opened the public hearing.

Anya Schandler, Volunteer Board Member, asked for clarification of the proposed path of travel for Bolinas Road in the Plan.

Ingrid Weiss, Chamber of Commerce, asked about the proposed traffic flow to Sir Francis Drake and ascertained that the proposed Plan relied on the use of part of the Fairfax Gas Station property, not yet available.

Patty Bruszewski, owner, Sherman's General Store, stated that the idea of a pedestrian mall on Bolinas Road was scary; that it might work in other larger towns but maybe not in Fairfax; and that it was difficult to run a successful business on Bolinas Road.

Graham Irwin, Sherman and Dominga, stated that, if the creek on Sherman was daylighted, his property would be dramatically impacted; thanked all involved in the creation of the Town Center Element for their hard work; stated that it was difficult to walk downtown; that it was unfriendly to pedestrians; that public transit in Fairfax was pathetic; that Fairfax was a green community and needed workable public transit; requested that he and other property owners who would be impacted be included in the planning; that funding for the Element was a concern since Fairfax property taxes were already high; and that he wanted Fairfax to operate within its means.

Penny Clark, 292 Forrest Avenue, asked if Fairfax had ever hired a consultant to study the downtown businesses and supported a pedestrian friendly downtown that did not cater to automobiles.

Diana Perdue, Scenic Road, asked that the Town of Fairfax sign at the end of the Parkade be retained because she liked it.

Jeffrey Gale, 2575 Sir Francis Drake, stated that he thought the Plan was great; that he had family in Oslo, Norway, where they had a pedestrian-only town center; that the Town should pressure the bus company to provide better service to Fairfax; that better transit was needed; that the cost of groceries had gone up dramatically since the closure of Albertson's; that people needed to get out of their cars and be encouraged to use public transit; that there was no longer a pharmacy in town; and that the Council needed to look at the big picture.

Pam Meigs, 310 Cypress, thanked the General Plan Advisory Committee (GPAC) for all their work; noted that the Circulation Element was not yet done; and suggested that the Council look at the Circulation Element before passing the Town Center Element.

Morgan Hall, 55 Bolinas, stated that it was a struggle to maintain a business on Bolinas Road; that more retail businesses were needed to promote pedestrian traffic; and that more service businesses and restaurants and entertainment were not needed.

Dave, 43 Pastori, described how downtown Tahoe City had been improved for the better after a long period of debate; that a bicycle staging facility had been mentioned that he thought was an excellent idea; and he stated that a bicycle campground should be considered.

Bill Parker, 235 Olema Road, stated that he wasn't sure that the 2003 survey should be included as a finding; that the Town Center Element was an optional element that had to be consistent with the other mandatory elements like Circulation, Conservation, Noise, Safety and Housing; stated that the negative declaration would not be possible because of the scope of the Plan; in response to a previous speaker's comment about the use of public transportation, he noted that he was often the only person or one of a few people who were on the bus to San Francisco; and stated that they were not in a position to adopt a negative declaration for the Plan.

Graham Irwin, 88 Dominga Ave., stated that the Town planned to develop more retail on Center Blvd. between the theatre and the post office; that it was not possible to add more retail to the existing properties at that location without changing the Town Code; and thanked GPAC again for their hard work on the Plan.

Michael Mackintosh, Owner, Marin Town and Country Club., stated that parking in the center of town could be enhanced and covered; estimated that the proposed project encompassed about 60 to 75 acres; and stated that he supported the plan but thought that a negative declaration was not appropriate for such a large project.

Patty Bruszewski, owner, Sherman's General Store, asked the Town Council whether or not they had considered putting the Plan on the ballot for a vote of the people.

Mayor Bragman closed the public hearing.

M/S, Tremaine/Maggiore, Motion to approve the Town Center Element with direction to staff to prepare a more detailed resolution and a negative declaration for the Council's consideration.

AYES: Bragman, Maggiore, Tremaine, Weinsoff  
NOES: None  
RECUSED: Brandborg

#### Report on status of General Plan and proposed Zoning Amendments

Planning and Building Services Director Welsh presented the report noting that the Safety Element was being prepared with the assistance of consultant Paula Schulz; that traffic counts were being completed for the Circulation Element; and that the Housing Element would be re-submitted to the State once the Second Unit Amnesty Ordinance and the mixed use overlay zone had been adopted.

John Reed, 36 Scenic, Vice Chair of the General Plan Advisory Committee, presented an article to the Council about the use of public space in other areas of the world. He explained the definition of the word "charrette."

Jim Reese, 114 Mono Avenue, suggested that the Town raise its buildings in anticipation of flooding like the Russian River area had done; that traffic circulation, parking and safety all affected the Town Center Element; and that van service was needed in Marin.

#### Storm Damage Recovery Update

Town Manager Kelly presented the report. Her report included a description of a meeting facilitated by Congresswoman Woolsey's office with FEMA and the State OES that was also

attended by Mayor Bragman and Councilmember Weinsoff; that the 404 funding process was going to be explored as a means to get the public safety facilities out of the flood zone; that funding for the ADA upgrades to the buildings had been denied and that the appeals of the decisions had also been denied; that the Town had received \$276,000 for building cleanup and repair, mostly from flood insurance; and she gave an update on the Creek Road Bridge repair.

Discussion and Consideration of adoption of Resolution No. 2475 establishing a Town Policy for naming and dedicating Town assets including open space, streets and public facilities

There was a consensus of the Council to adopt the Resolution with the elimination of the reference to naming streets.

Discussion and consideration of a policy regarding emergency maintenance provisions to maintain public safety access on non-Town maintained roads which are dirt or gravel

Town Manager Kelly presented the staff report and stated that the item was prompted by a request from the Scenic Road neighbors in December for assistance from the Town for repair of a slide near 472 Scenic. She asked for direction from the Council about whether or not they wanted to adopt a non-town maintained road policy with respect to dirt or gravel roads for the purpose of maintaining emergency access.

M/S, Tremaine/Bragman, Motion to direct staff to procure road material from Marin Sanitary, offered at no cost, to use on the unpaved section of Scenic Road in question to make it so that emergency vehicles would have access and to draft a rural standard road policy, to look at San Anselmo's policy to see how it could be applied in Fairfax, and to have Councilmembers Tremaine and Weinsoff continue to meet with the neighbors.

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff  
NOES: None

Agenda Review

At 11:10 p.m., the Town Council reviewed the agenda and decided to hear four more items: the item regarding next steps in the police consolidation discussion with the Town of San Anselmo; the item requesting financial reports; the item regarding Zero Waste as a goal; and the item requesting authorization to send a letter to TAM. There was a consensus of the Council that the other remaining items would be continued.

Discussion and consideration of next steps in the police consolidation discussion and possible shared services proposals with the Town of San Anselmo

Town Manager Kelly presented the staff report.

Mayor Bragman opened the discussion to the audience.

Bill Parker, 235 Olema Road, stated that POST (Peace Officers Standards and Training) was an excellent organization; that eleven pages of the report had to do with Fairfax; that POST couldn't do the financial analysis and financial information was needed; that Councilmember Weinsoff had secured an offer from Supervisor Brown to fund a study; that the cultural difference between the two towns had to do with the type of calls that the police responded to; that possible dispatch sharing was described; that a new building wouldn't necessarily be required; that the retirement costs for police in both jurisdictions needed to be reviewed; and that someone with financial expertise was needed to evaluate the information.

Jim R., Mono Ave., asked why Sir Francis Drake Blvd. couldn't be a shared jurisdiction of all the towns for law enforcement purposes.

Jeffrey Gale, 2575 Sir Francis Drake Blvd., urged the Council to consider consolidation of service especially in light of the war in Iraq, the floods and the worsening economy.

Dave Johansen, 126 Ridge Road, described a financial analysis done in Los Angeles County that he had found on the internet that showed that consolidation was more expensive than maintaining separate entities and offered to send it electronically.

Trudy Totty, 125 Manor Road, stated that each town needed its own identity, noted that the consolidation discussion was destabilizing for both departments and recommended that the Council make a decision to go forward or not.

M/S, Tremaine/Brandborg, Motion to direct staff to work with San Anselmo staff to set up a facilitated meeting with San Anselmo and to broaden the discussion to include all areas of possible collaboration and to get statistical information on the potential police consolidation.

AYES: Bragman, Brandborg, Tremaine, Weinsoff  
NOES: Maggiore

Request for timely and accurate reports on the status of the Town's finances including monthly revenue and expenditure reports, Brandborg

Councilmember Brandborg stated that it had been a long time since the Council had received a revenue and expenditure report and/or a status report on the Town's finances; acknowledged that Finance Director Roth had responded to her request with a memo that was in the packet wherein he stated that a report would be prepared for the April meeting; and asked about the status of the audit of the previous fiscal year.

Mayor Bragman opened the discussion to the public.

Bill Parker, 235 Olema Road, thanked the Council for moving the item up on the agenda; stated that, if the Council was serious about living up to its commitment regarding Measure "F," they should be apprised of the Town's financial status; and that the taxpayers expected the Town Council to be better stewards of their money.

Town Manager Kelly assured Mr. Parker that they were all working toward the same end and cited the staff turnover in the Finance Department and the impact of the flooding on operations as impediments to financial reporting.

Penny Clark, Forrest Avenue, stated that she was interested in the budget; that she didn't think the Town Council had lived up to its commitment regarding Measure "F;" and that getting the finances straight and updating the General Plan should be priorities.

Millie Barrett, Hickory Road, stated that she was also concerned about the state of the budget.

Adoption of Resolution No. 2479 adopting Zero Waste as a long-term goal in order to eliminate waste and pollution in the manufacture, use, storage, and recycling of materials through action plans and measures that significantly reduce waste and pollution, and establishing a milestone of 80% landfill diversion by the year 2012 towards the goal of Zero Waste by 2020, Bragman

Mayor Bragman presented the report and urged the Town to adopt the resolution to set forth a commitment to avoid continual increases to the size of the landfill. He opened the discussion to the public.

Patricia Gallery, 43 Pastori, stated that she had requested the item be placed on the agenda; that she had lived in Fairfax for twenty years; that the resolution called for action beyond recycling and was a vision; that it was necessary to get people to think about reducing the amount of waste they created; and to create alternatives to throwing things away.

Bruce Baum, Sustainable Marin, Zero Waste Citizens Advisory Committee, stated that they were asking for Fairfax to be the first to adopt a zero waste resolution; that Marin's recycling statistics were impressive but further action was needed and the statistics were misleading; stated that composting was better than green waste because the green waste went into the landfill; and he urged the Council to adopt the resolution.

Councilmember Tremaine suggested that the item be discussed at another time, not after midnight, and with all the interested parties present.

Bruce Ackerman, General Plan Advisory Committee Chair, expressed his support for the resolution and suggested a charrette on a Saturday on the subject as part of a discussion about the appropriate element of the General Plan.

Mark Bell, 63 Dominga, reported that laws had been passed in Europe mandating that manufactured items had to be recyclable and that Microsoft had to redesign their packaging materials to comply with the European standards.

Millie Barrett, Hickory Road, stated that it was important to make a statement about waste and to stop the use of excessive packaging of products.

M/S, Bragman/Maggiore, Motion to adopt Resolution No. 2479 adopting Zero Waste as a long-term goal in order to eliminate waste and pollution in the manufacture, use, storage, and recycling of materials through action plans and measures that significantly reduce waste and pollution, and establishing a milestone of 80% landfill diversion by the year 2012 towards the goal of Zero Waste by 2020, with the change in the wording of number six to read, "Landfill bans of easily **and truly** recyclable materials."

AYES: Bragman, Maggiore, Tremaine, Weinsoff  
NOES: Brandborg

Approval of request for authorization to send a letter from the Town to the Transportation Authority of Marin (TAM) and its constituent jurisdictions to create a coordinated master plan for an East-West Bike Route from Fairfax to San Rafael Utilizing TAM's Bicycle and Pedestrian Master Plan Update Process, Bragman

Mayor Bragman presented the report.

M/S, Maggiore/Weinsoff, Motion to approve the request.

AYES: All

There was a consensus of the Council to continue the remaining items not heard to the April 4<sup>th</sup> meeting with the exception of the item regarding a request for a "Global Warming Day" and rally to be added to the agenda for the Strategic Planning meeting on Saturday, March 24, 2007.

The meeting was adjourned at 12:20 a.m.