

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
January 3, 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
Ian Roth, Finance Director
Debra S. Johnson, Public Works Director
Jim Karpiak, Town Attorney
Ken Hughes, Chief of Police
Mark Lockaby, Building Official
Judy Anderson, Town Clerk

Mayor Bragman called the meeting to order at 7:30 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Brandborg/Tremaine, Motion to add adjournment in honor of Bubba, the Town fish who died unexpectedly, to the Council agenda.

AYES: All

Stan Schriebman, 51 Hickory, thanked the Council for adding the wording to the agenda to allow citizens to speak to the Consent Calendar items.

M/S, Tremaine/Bragman, Motion to approve the agenda and the affidavit of posting with the removal of the approval of the cash disbursements and the removal of the item regarding the methodology for the determination of affordable housing quotas, from the Consent Calendar for discussion at the end of the regular agenda.

AYES: All

Announcements/Introductions

Mayor Bragman announced that new members were welcome on the General Plan Advisory Committee and on the Fairfax Youth Commission; that the next Strategic Planning Workshop/Economic Development Committee Meeting of the Town Council would be held Saturday, January 13, 2007, 9:00 a.m. to Noon, at the Women's Club; that there was a vacancy on the Open Space Committee; that a new suggestion box had been added to the Town's Website and any comments made would be read by the Mayor and the Town Manager; that the Town Manager would be holding office hours in the community; and that the Town was co-sponsoring a blood drive at the Fairfax Library on Saturday, January 27th.

Open Time For Public Expression

Tony Yudice, 7 Forrest Terrace, expressed concern about the closure of Creek Road Bridge and the potential delay for public safety emergency response to his neighborhood. He urged the Town Council to fix the bridge as soon as possible.

Cindy Ross, Fairfax resident, commended and thanked the Town Council for passage of Resolution No. 2466 that called for revision of the California Family Code and the Federal Violence Against Women Act, and requested that the resolution be posted on the Town's Web site and/or on the Town bulletin board.

Valeri Hood, Dominga Avenue, thanked Mayor Bragman for all his good work for the Town and specifically thanked him for the formation of the Open Space Committee and for his successful efforts to retain local control of the creeks and projects in Fairfax before joining the Flood Zone 9.

Rose Taber, 94 Hillside Ave., announced that she would have a petition at her store, Rainbow Fabrics, 50 Bolinas Rd., to urge FEMA to fund the restoration of Creek Road Bridge.

Ross Murphy, 2304 Sir Francis Drake Blvd., stated that he and his family had been very negatively impacted by the construction of the sidewalk on Sir Francis Drake; that work on the project stopped after five weeks and that it left a mess and confused traffic; and reported on an incident where his wife was berated for turning into their own driveway.

Mayor Bragman noted to the speaker that the item was already on the agenda and that he could address it when that item was heard.

Interview and appointment of candidates to serve on the Planning Commission for two positions with full four-year terms to December 31, 2010, and for two positions for full four-year terms to January 31, 2011

Mayor Bragman introduced the item by leading a discussion about his dissatisfaction with the process used to select Planning Commissioners. He stated that it was an important commission that made decisions about people's property and that the process was not effective. There was a consensus of the Council to direct staff to explore other methods for the interview and selection of commissioners including an informal interview before the regular meeting as was done in the past.

It was noted that one of the applicants, Scott Hochstrasser, was not present for the interview.

The Council interviewed Bill Madsen and Barbara Petty, incumbent applicants for the positions.

Bill Madsen reiterated his offer to continue to serve on the Commission for an additional year to help with the transition of newer members.

M/S, Tremaine/Bragman, Motion to appoint Barbara Petty and Bill Madsen to the Planning Commission for full four-year terms to December 31, 2010.

AYES: All

The Council interviewed Brannon Ketcham and Shelley Hamilton, applicants for the positions.

M/S, Brandborg/Tremaine, Motion to appoint both Brannon Ketcham and Shelley Hamilton to full

four-year terms on the Planning Commission to January 31, 2011.

AYES: All

Interview and appointment of candidates to serve as the Fairfax representative and alternate to the Ross Valley Paramedic Authority Board

Candidates Bill Madsen and Frank Egger addressed the Council regarding their qualifications and interest in serving.

M/S, Maggiore/Tremaine, Motion to appoint Mayor Bragman as the Fairfax representative to the Ross Valley Paramedic Authority.

AYES: All

M/S, Tremaine/Bragman, Motion to appoint Frank Egger as the alternate representative to the Ross Valley Paramedic Authority.

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

CONSENT CALENDAR

Approval of Town Council Minutes of December 6, 9 and 13, 2006

Approval of Resolution No. 2470, a Resolution of the Town Council of the Town of Fairfax supporting naming the Drake High School Track in memory of Archie Williams, Bragman

M/S, Tremaine/Bragman, Motion to adopt the three items left on the Consent Calendar with Councilmember Tremaine's "no" vote on the adoption of a resolution regarding the housing needs allocation methodology to be made a part of the record.

Motion withdrawn by Councilmember Tremaine.

M/S, Maggiore/Tremaine, Motion to remove the Consent Calendar item regarding adoption of a resolution about the housing needs allocation methodology for discussion.

AYES: All

M/S, Tremaine/Maggiore, Motion to adopt the two remaining items on the Consent Calendar.

AYES: All

REGULAR AGENDA

Report on status of General Plan and Proposed Zoning Amendments

Planning and Building Services Director Welsh presented the report.

Monthly Storm Damage Recovery Update

Town Manager Kelly presented the update.

Engineer's report on Scenic Road slide repair and options for proceeding with repair; discussion of issues related to acceptance of road by the Town

Councilmember Weinsoff presented the background of the issue including that Scenic Road was slipping; that the cost to repair was prohibitive; that the Department of Public Works had taken temporary measures to keep the situation from worsening; that a policy was needed for how we upgrade and accept roads; and that the two Council Members who had been meeting with the neighbors should continue to do so.

Mayor Bragman asked staff for examples of roadways that had been accepted in the last ten years.

Councilmember Tremaine stated that there were public rights-of-way that had not been accepted for maintenance by the Town; that there was a history of substandard maintenance on Upper Scenic Road; that a section of the road was dirt; that the neighbors felt like they had been treated like second class citizens regarding the road; that a policy for non-maintained roads should be developed; that San Anselmo had such a policy; that the Town could use Chester Road as an example of a non-maintained town road that was subsequently accepted by the Town; and agreed that he and Councilmember Weinsoff should continue to meet with the neighbors.

Tony Yudice, 7 Forrest Terrace, asked if any of the utilities had easements or pipelines at the site so that they might be willing to contribute to the fix of the road.

Adam Neville, 440 Scenic Road, stated that the Town could not afford to incorporate non-maintained roads.

Public Works Director Johnson stated that the Public Works staff had placed sand bags, done crack sealing and had diverted traffic only because there were no temporary measures that could be done at the site. She estimated that the fix would cost from \$87,000 to \$170,000 to stabilize the roadway and that some of the work needed was on private property.

Mayor Bragman suggested that staff do the research on the acceptance of roads and that a policy be developed based on the data produced with the selection of Councilmembers Tremaine and Weinsoff to continue to meet with the neighbors on the issue.

Public Works Director Johnson noted that the Town had an informal policy developed in 1999.

Blair Burke, 200 Tamalpais, requested that the data collected on past precedents be made available to the neighbors for their input in the formation of any policy developed.

Town Manager Kelly suggested that she continue to communicate with Rosaleen Bertalino via email on the issue so that she could relay information to the neighbors.

Rosaleen Bertalino, 130 Ridge Road, asked for the neighbors to give her their contact information and thanked the Town Council, Town Manager Kelly, Public Works Director Johnson, and Councilmembers Tremaine and Weinsoff for their efforts to solve the problem.

Mayor Bragman adjourned the meeting for a break from 9:30 to 9:40 p.m.

Discussion/Consideration of fighting global warming and building community locally by making Fairfax a truly bicycle and pedestrian friendly community, Bragman

Mayor Bragman presented the report and suggested actions that Fairfax could take to make the Town truly bicycle and pedestrian friendly. Measures he suggested included direction to the Town's representative to TAM (Transportation Authority of Marin) to request a study be done to explore the creation of an integrated roadway/safe bikeway from Fairfax to San Rafael and the installation of more bike parking with the possible use of a parking space dedicated to bike parking.

Councilmember Tremaine agreed with Mayor Bragman's suggestions and stated that we already had an ongoing relationship with ICLEI (International Council for Local Environmental Initiatives) that could be helpful with the reduction of gas emissions in Fairfax. He stated that ICLEI had provided the Town with software to monitor the gas emissions in Fairfax and had prepared a baseline study; that they had interns available to assist with projects; that ICLEI could train volunteers in the use of the tracking software; that the Town should revisit its commitment to the reduction of gas emissions; and reported that the Director of TAM was planning to visit Fairfax with Vice Mayor Maggiore, the Fairfax representative to TAM, and that her visit would provide an opportunity to talk about a bike route to San Rafael.

The following citizens spoke in support of Mayor Bragman's plan: Chris Lang, Canyon Road; Deb Hubsmith, Forrest Ave., MCBC Advocacy Director; Silke VomBauer, Valley Rd.; John Reed, Scenic Ave.; Patricia Galloway, Pastori Ave.; Valeri Hood, Dominga Ave.; Jenny Schmidt, 36 Iron Springs Road; Tony Gardner, Bothin Rd.; Peter, 72 Sequoia; and Adam Neville, Scenic Rd.

Comments made included that 9 more bike racks were set to be installed downtown; that most auto trips were for two miles or less; that the Chamber should be a partner in the development of a bicycle and pedestrian friendly downtown; that a pedestrian bridge at Hawthorne Court should be explored to provide a safer route to school; that the Town should be proactive toward the bicyclists in town on the weekends to encourage their patronage at local businesses; that a Craigs List type shopping collective via the Town's Web site could be explored as a way to reduce trips outside of Fairfax; that the sidewalk from Bolinas Road to Cascade was too narrow for pedestrians and should be upgraded; that other communities with narrow roads, especially in Europe, had made pedestrians and bicyclists a priority; that pedestrians should be given the right-of-way on streets without sidewalks; that we all needed to reduce our dependence on oil; that parents needed to encourage their children to ride bikes at an early age; and that Al Gore's film about global warming inspired citizens to take action at the local level.

The following citizens spoke to the issue, but not in support: Stan Schriebman, Hickory Rd., and Tony Yudice, Forrest Terrace.

Town Manager Kelly explained that the Town Council, as part of their Strategic Planning meetings, had made a list of goals for the Town and ranked them. She stated that the main goal in one category was to make the Town more bike and pedestrian friendly and that the Council could develop strategies to meet this goal.

The Council reviewed the agenda at 10:30 p.m. to ascertain what items would still be heard. There was a consensus of the Council to hear all the agenda items.

Discussion/Consideration of enactment of parking restrictions on Sir Francis Drake Boulevard near the five homes in the 2300 block for bicyclists' safety, Bragman

Mayor Bragman opened the discussion with an overview of the Manor Road bridge and sidewalk project. He related that a retaining wall on the creek side of Sir Francis Drake was eliminated from the project and caused the sidewalk to be installed over further than originally planned leaving only 33.6 feet of roadway. He explained that the reduced size of the roadway did not allow enough room to accommodate the bike lanes, traffic lanes and the on-street parking. He further stated that the item was on the agenda for discussion only, not for action.

The following citizens spoke in opposition to the elimination of the on-street parking:

Ross and Lauren Murphy, 2304 Sir Francis Drake; Mrs. Carlson, San Miguel Court; Bill Parker, 235 Olema Rd.; Stan Schriebman, 51 Hickory Rd.; Jean Sais, 18 San Miguel Ct.; and Steve Leland, 2300 Sir Francis Drake.

The following citizens spoke in support of retaining the bike lanes:

Deb Hubsmith, Marin County Bicycle Coalition; John Reed, Scenic Rd.; Bruce Ackerman, 17 Valley Rd., Scott Hochstrasser, Glen Drive; Renee Gottard, 295 Cascade Drive.

The following citizens had other comments about the issue:

Adam Neville, Scenic Rd; suggested dividing the new sidewalk for use by bikes and pedestrians; Jenny Schmidt, 36 Iron Springs Rd., suggested making the new sidewalk into a bike lane and retaining the parking and stated that a traffic light at Manor would help the situation.

There was a consensus of the Council to conduct a special meeting on Monday, January 8th to discuss alternative solutions to the problem.

Councilmember Brandborg left the meeting at 11:40 p.m.

Discussion/Consideration of the installation of red curb in front of Cascade Canyon School, 2626 Sir Francis Drake Boulevard

Councilmember Weinsoff presented an overview of the situation and an explanation of the visibility problems for entering and leaving the parking lot at 2626 Sir Francis Drake, problems that he suggested could be solved by the installation of a red curb as requested by parents of the students at the school.

Mayor Bragman opened the discussion to the public.

Adam Neville, Cascade Canyon parent, described how dangerous it was for parents to exit the parking lot because of the poor visibility caused by parked vehicles and urged the Council to approve of the installation of a red curb as requested.

Kim Banisch, Marin County Bicycle Coalition, expressed support for the red curb for improved bike safety and noted that there was no sidewalk in the area.

Richard Rogler, 10 Banchemo Way, described a similar problem with the striping for a previous project that involved the installation of bike lanes on Sir Francis Drake by Village West. He stated that the striping on that previous project had to be redone at quite a cost and the parking ended up being eliminated. He further stated that he didn't think it made sense to eliminate parking in

areas that were densely populated like the Cascade Canyon School area and that he didn't see the danger in keeping the parking.

M/S, Weinsoff/Maggiore, Motion to direct staff to install red curbs at 2626 Sir Francis Drake as requested.

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

Police Chief Hughes suggested that the Council consider a policy to handle requests that impacted bike lanes since there were four schools along Sir Francis Drake.

Second reading and adoption of Ordinance No. 719, revising the general penalty for the violation of provisions of the Town Code

M/S, Tremaine/Bragman, Motion to waive further reading of Ordinance No. 719, revising the general penalty for the violation of provisions of the Town Code.

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

M/S, Tremaine/Bragman, Motion to adopt Ordinance No. 719, revising the general penalty for the violation of provisions of the Town Code.

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

There was a consensus of the Council to hear the remaining items at an adjourned/special meeting on Monday, January 8, 2007 at 7:30 p.m.

The meeting was adjourned at 11:55 p.m. in memory of "Bubba" the Town's goldfish.