

Fairfax Town Council Minutes  
Special Meeting  
Fairfax Women's Club  
December 19, 2007

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Susan Brandborg (7:40 p.m. arrival)  
Mary Ann Maggiore  
Lew Tremaine  
David Weinssoff

**STAFF MEMBERS PRESENT:** Linda Kelly, Town Manager  
Michael Rock, Public Works Director  
Ian Roth, Finance Director  
Judy Anderson, Town Clerk

The regular meeting was preceded by a Special Meeting Closed Session at 3:00 p.m. at the Youth Center, 16 Park Rd. for "Public Employee Appointment" per Government Code Section 54957, Interim Town Manager; Town Manager.

Mayor Maggiore called the regular meeting to order at 7:35 p.m.

Closed Session Announcement

Mayor Maggiore reported that the Town Council had met in Closed Session to interview possible candidates for Interim Town Manager; Town Manager, and had given staff direction.

Approval of Agenda and Affidavit of Posting

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

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

Announcements

Mayor Maggiore announced that new members were welcome on the General Plan Advisory Committee and on the Fairfax Youth Commission; that vacancies existed on the Parks and Recreation Commission and the Volunteer Board; that applications were being accepted for appointment as the Fairfax representative to the Marin/Sonoma Mosquito and Vector Control Board, and for the elected position of Town Treasurer. She also announced a poetry slam for teenagers scheduled for Friday, December 21<sup>st</sup> with a new sound system purchased with donations and free ice skating at the Pavilion on January 5<sup>th</sup> and 6<sup>th</sup>.

Open Time for Public Expression

Stan Schriebman, 51 Hickory, publicly thanked Susan Brandborg for reporting on and reading aloud the hit piece flyer from the last election and stated that he would not support Councilmember Bragman in the future because of his response to the flyer and stated that he believed that Councilmember Tremaine didn't have anything to do with the flyer.

Shane Deal, 44 Belle Avenue, stated that he hadn't seen the minutes from the previous month's meeting but had heard that there had been talk of re-introducing a revised Floor Area Ratio (FAR)

ordinance and asked when the matter would be heard by the Town Council.

Town Manager Kelly stated that possible revisions to the Floor Area Ratio Ordinance would be on the January 9<sup>th</sup> Council agenda for discussion.

Interview and appointment of Town Treasurer to complete an unexpired elected term to November of 2011

The Town Council interviewed two candidates for the position of Town Treasurer: Barbara L. Petty and John H. Kirk.

Councilmember Brandborg noted that Barbara Petty was currently serving on the Planning Commission and asked if she could also serve as an elected official.

Ms. Petty stated that she would step down from the Planning Commission if the Treasurer position was expanded.

Town Manager Kelly explained that the Town Treasurer position had been honorary, but that she would welcome more involvement and recommended developing a job description by ordinance.

M/S, Bragman/Weinsoff, Motion to appoint Barbara Petty as the Town Treasurer to complete an unexpired elected term to November of 2011.

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

Vice Mayor Weinsoff thanked Mr. Kirk for applying, noted that Ms. Petty had a longer association with the town, and encouraged him to apply for a future position.

Councilmember Bragman stated that there would be an opening on the Measure F Oversight Committee and encouraged Mr. Kirk to apply to serve on that committee.

Town Manager Kelly stated that the official oath of office for the new Town Treasurer would be scheduled for the January 9<sup>th</sup> Council meeting.

Interview and appointment of candidate(s) as representative to the Marin/Sonoma Mosquito and Vector Control District for a two- or four-year term

Frank Egger, Meadow Way, and current representative, described the composition of the District Board and described his efforts to notify residents of the use of pesticides by the District. He expressed his willingness to continue to serve as the Town's representative and asked to be appointed.

Mayor Maggiore opened the discussion to the audience.

Stan Schriebman, Hickory Road, asked Representative Egger, through the chair, whether the discharge of the pesticides would end up in the lakes, how carcinogenic the runoff was, and confirmed that it was recommended that people evacuate the area when spraying was taking place.

Representative Egger stated that they wouldn't know for sure until the report was issued; that there was talk about the use of a "Roundup" type pesticide; and that residents could complete a form provided by the District to be added to a "No Spray" list that would prevent spraying within 1,000 feet of their homes.

M/S, Tremaine/Bragman, Motion to appoint Frank Egger for a four-year term to serve as the Fairfax representative to the Marin/Sonoma Mosquito and Vector Control District.

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

Authorization to Advertise and Solicit Construction Bids for the Slope Stabilization of Upper Scenic Road

Public Works Director Rock presented the staff report. In response to Council questions, Director Rock stated that the road could be fixed as a non-Town maintained road and that the Town wouldn't be accepting liability with the fix.

Councilmember Brandborg asked about the possible FEMA funding for the work, clarified the funding source, and noted that indemnification from the neighbors was secured when a previous slide repair was performed by the Town on Scenic.

Mayor Maggiore opened the discussion to the audience.

Stan Schriebman, stated that Creek Road bridge had been out for a long time, over 500 days, and asked if Scenic Road would be blocked during construction.

Public Works Director Rock stated that the road would remain open during the project.

M/S, Weinsoff/Tremaine, Motion to authorize the Town to advertise and solicit construction bids for the slope stabilization of Upper Scenic Road.

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

Annual Town Council Committee assignments (continued from 12-5-07)

The Council discussed their assignments and made changes. The following Council assignments were agreed upon:

Bragman Tree Committee  
Marin Telecommunications Agency  
MERA Alternate (Chief Hughes, representative)  
TAM Alternate  
Ross Valley Paramedic Authority (Frank Egger, Alternate)  
Garbage/Recycling Committee  
Web site Committee  
Community Choice Aggregation, Alternate  
Safe Routes to School Task Force, Alternate  
ABAG Alternate

Brandborg: Ross Valley School Board Liaison, Alternate  
Tree Committee, Alternate  
Garbage/Recycling Committee  
Public Safety Committee  
Ross Valley Fire Authority Alternate  
Measure F Oversight Committee  
Measure K Oversight Committee

Liaison to the Chamber of Commerce  
MCCMC Legislative Committee  
MCCMC Representative to the County Disaster Council  
Fairfax/San Anselmo Shared Services Subcommittee

Maggiore: Community Development Block Grant Committee – HCDA  
Citizens' Disaster Council  
Ross Valley Fire Authority  
Youth and Alcohol Task Force  
Affordable Housing Task Force  
League of CA Cities Representative  
TAM (Transportation Authority of Marin)

Tremaine Marin Telecommunications Agency, Alternate  
Ross Valley Fire Authority  
Web site Committee  
Measure F Oversight Committee  
Youth and Alcohol Task Force  
Community Choice Aggregation  
Creek Issues/Flood Mitigation Committee  
Fairfax/San Anselmo Shared Services Subcommittee  
Flood Zone 9 Advisory Board, Alternate Representative

Weinsoff Public Safety Committee  
Ross Valley School Board Liaison  
Representative, Flood Zone 9 Advisory Board  
Safe Routes to School Task Force  
ABAG (Association of Bay Area Governments) Representative  
Joint Services JPA

M/S, Weinsoff/Bragman, Motion to approve the assignments as amended.

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

Review, consideration and adoption of Town strategic Financial Plan, Goals and Strategies  
(continued from 12-5-07)

Town Manager Kelly presented the staff report and reviewed the process used to formulate the document.

Mayor Maggiore thanked the Town Manager and the Finance Director for keeping the process on track and moving it to completion.

Councilmember Tremaine commended Town Manager Kelly for completing the two documents before them, for keeping the Council on track and for making sure they completed the work. He stated that it wouldn't have been done without her efforts and that it was a highlight of her tenure with the Town.

In response to a question from Councilmember Bragman regarding the Transient Occupancy Tax, Town Manager Kelly explained that the tax rate could only be raised through an election, that it was a minor source of revenue for the Town, and noted that internet sales of rooms reduced occupancy tax income to cities. Councilmember Bragman reported that the Marin Mental Health Association was possibly going to purchase the Fairfax Inn for another use that could possibly

eliminate the occupancy tax revenue.

Councilmember Brandborg stated that, throughout the strategic planning process, the Council had been continually trying to justify another tax measure to replace Measure F when it expired. She referred to the 5-year expenditure and revenue projections used in the draft financial plan that indicated a deficit of \$609,418 by Fiscal Year 2011-2012; noted that the State would probably take funds from the cities to help deal with its fiscal emergency; and stated that the plan needed to be a working document and that the Council needed to be kept current on all the financial implications of actions taken.

Councilmember Bragman stated that the Excess Educational Revenue Augmentation Fund (ERAF) money was still being taken away from the Town; that it was taken out of our property tax revenue by the County before we received that revenue; and that the property tax illustrated as 18% in the pie chart showed what the Town received with the ERAF takeaways.

In response to a question from Councilmember Bragman, Finance Director Roth explained that the property tax income received by the Town would be slightly more than the 5.5% projected and that San Mateo and Marin were the only California counties that paid so much property tax that they got some back.

M/S, Tremaine/Bragman, Motion to adopt the Strategic Financial Plan and the Town Goals and Strategies.

AYES: All

Discuss and Consider revising the process for selection of Planning Commissioners, Bragman

Councilmember Bragman introduced the topic and expressed his dissatisfaction with the process used for selecting Planning Commissioners. He stated that the Planning Commission had a direct impact on the lives of the citizens and that the applicants deserved a more thoughtful process. He stated that it seemed like a "cattle call" and wasn't a good way to select people to serve the Town.

Councilmember Brandborg described the old process used where the applicants sat down at a table with the Council members and had an informal discussion before the Council meeting with the appointments made during the regular meeting. She stated that it could be intimidating for candidates to speak in front of the entire audience and that the questions asked could seem arbitrary.

Mayor Maggiore stated that the process should include a better way of finding out more about the candidates.

Councilmember Weinsoff described his negative experience as a Planning Commission candidate and stated his preference for the informal roundtable approach used previously when he was first appointed to the Commission.

Shane Deal, 44 Belle Ave., described his experience as an applicant before the Planning Commission and suggested that interested applicants attend some public meetings to get used to the process, and disagreed with interviewing one night and then appointing at a subsequent meeting. He stated that the questions from the Council should be well thought out; that the Planning Commission had a shortage of people with expertise at reading plans; that members with other relevant experience would be helpful to the Commission; and that Commissioners should be familiar with the Town codes and with the planning process.

John Owens, Frustuck Ave., stated that the last five new commissioners had received no written

job descriptions nor any training; that there used to be a planning commissioner manual that was helpful; and that the Commissioners needed guidelines for their responsibilities.

Planning Director Welsh stated that training sessions had been held with the Town Attorney; that the Commissioners had been given a manual outlining their duties; that the Town had two training sessions on video for future training; that the Commissioners had received training and also had the League of California Cities' handbook for Commissioners.

Councilmember Weinsoff noted that the discussion was going from how to appoint Commissioners to a discussion of the desirable qualifications sought. He further stated that it was valuable to have an architect on the Commission and that the ability to read plans was also helpful.

Stan Schriebman asked for clarification of the proposal and stated his preference to have the candidates stand up in front of the audience to answer questions from the Council.

There was a consensus of the Council to conduct the interviews as part of an informal session before the regular meeting and to direct staff to research how the process had evolved and to conduct a survey of the surrounding communities to see how other towns handled the appointment of Planning Commissioners.

#### Council Reports and Comments

Vice Mayor Weinsoff reported on the Flood Zone Advisory Board meeting and stated that FEMA funding of \$500,000 had been secured to complete the hydraulic model of the creek from Lansdale Station to 300 Olema Road and that he had met with the Town Engineer and a resident to resolve a drainage issue.

Councilmember Brandborg reported that she attended the quarterly County Disaster Preparedness (DISCO) meeting where she expressed her concern about the inability of Marin volunteers to be used in the recent oil spills and she asked at the meeting that the locals be trained to respond to such a disaster and that local agencies needed to be able to react to local emergencies without waiting for the Federal government to respond; and reported that she expected that local agencies would be allowed to respond in the future because legislators like Barbara Boxer had championed the issue.

M/S, Tremaine/Weinsoff, Motion to adjourn the meeting at 9:15 p.m.

AYES: All