

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
June 6, 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  
Jim Karpiak, Town Attorney  
Mark Lockaby, Building Official  
Ian Roth, Finance Director  
Judy Anderson, Town Clerk

The regular meeting was preceded by a Special Meeting Closed Session at 7:00 p.m. at the Youth Center, 16 Park Rd. for conference with labor negotiator Town Manager Kelly pursuant to Government Code Section 54957.6, with the Fairfax Police Officers' Association.

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

**Closed Session Announcement**

Mayor Bragman announced that direction had been given to the negotiator, Town Manager Kelly.

**Approval of Agenda and Affidavit of Posting**

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

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

**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 Town had entered a team in the "Team Bike Challenge" to support the reduction of vehicles on the road and to celebrate "Bike to Work Day" on May 17<sup>th</sup>; that the Town's bicycle team "PSYCHE" had finished first in the competition; that the Youth and Alcohol Task Force had received a grant; that the Fairfax Festival and EcoFest were scheduled for the weekend of June 9<sup>th</sup> and 10<sup>th</sup>; that a joint meeting of the Fairfax and San Anselmo Town Councils regarding possible police consolidation was scheduled for Saturday, June 23<sup>rd</sup>, 9 a.m. to noon at the Women's Club; and that the July meeting of the Town Council would be held on the 11<sup>th</sup> because of the holiday on the 4<sup>th</sup>.

**Open Time for Public Expression**

Cindy Ross, Pastori Ave., stated that urgent repair was needed on Pastori Avenue; that she and her family had been out of their home for 8 or 9 months due to a fire; that upon their return to the home, the street had deteriorated even further; that her elderly mother had fallen using her walker on the damaged pavement; that she had tripped on the pavement herself; and urged the Council to repair the road as soon as possible before a serious accident occurred. Town Manager Kelly

stated that she would into the matter and respond to Ms. Ross.

Jan Hummingbird, 2575 Sir Francis Drake, stated that she had written to the Town Council over two years previous about the need for a covered bus stop to service the three apartment buildings with approximately 200 tenants in her vicinity; reassured the Council that she would like to work with the Town to accomplish the installation of such a bus stop; reported on email correspondence that she had received from Golden Gate Transit on the issue; and stated her determination to continue to pursue the installation of a bus shelter with the understanding that funding wasn't currently available.

Councilmember Tremaine noted that the bus stop in question was one of the most heavily used in Fairfax, second only to the one downtown.

Stan Schriebman, 51 Hickory Road, stated that he believed in the Brown Act, and described an experience he had when he attempted to attend a meeting with the Canyon Road neighborhood wherein he had been told that the meeting wasn't subject to the Brown Act.

Town Manager clarified for the record that Mr. Schriebman had been told that the meeting wasn't technically subject to the Brown Act, but that he was welcome to attend.

Jeffrey Gale, 2575 Sir Francis Drake, stated that he had moved to Fairfax on June 6, 2006; that Bobby Kennedy died on June 6<sup>th</sup>; that June 6<sup>th</sup> was the anniversary of D-Day; and quoted from an article written by Mayor Bragman about how local politics had a global impact.

Rose Taber, 94 Hillside, expressed her objection to the Town Manager, the Mayor and the Chamber of Commerce favoring one business; urged the Council to promote all the businesses downtown, not just one business; that sales had been flat for the previous five years; and that all the businesses downtown needed help.

Bertrand Bosch, known in town by his nickname "Dutch," described volunteer work he had performed in and around the Women's Club for many years; stated that he had noticed parts missing on the fence around the Women's Club; and recommended that volunteers fix the fence to keep the dogs out of the yard.

#### Presentation by the Marin Association of Realtors on "The Truth About Real Estate in Marin"

Ron Parks, member of the Board of Directors of the Marin Association of Realtors, presented a short overview of the real estate market in Marin noting that there were an equal number of buyers and sellers in the market; that it took an average of 2.5 months for a house to sell; that the loan interest rate had gone up which made the prices go down; that there was almost a 99% resale of homes put up for sale; and he predicted that the balanced market would continue through the year. He then answered questions from the public and Council.

#### Presentation by the Marin Major Crimes Task Force

Lieutenant Rick Russell, Commander of the Marin Major Crimes Task Force, provided an overview of the Task Force. He stated that the Task Force was started in the late 70's; that they answered to the Marin Police Chiefs; that the Task Force was a resource for smaller cities because they could bring in their considerable resources like the DEA and DOJ when needed; that the Task Force responded to requests from cities to address problems; that they provided training for our police officers; that they didn't target areas but only came to our town at the request of the Chief; noted that there were no jurisdictions for crime in the County; that crimes like burglary were used to support the drug users and dealers; that the Task Force provided hazardous cleanup of meth labs; and that they were not just about enforcement but also about

education, especially in the schools. Lieutenant Russell stated that methamphetamines were destroying the community and that the Task Force had received a \$250,000 grant to address the meth problem including the addition of a detective, a canine and other resources. In response to a question from the Council, he stated that Fairfax didn't have any big crime issues or that many cases for them, but that the Task Force served as insurance for big events like a murder that might occur in our jurisdiction.

Stan Schriebman, 51 Hickory, asked what it cost for Fairfax to belong to the Task Force.

Finance Director Roth clarified that \$21,000 was the cost for the current fiscal year.

Lieutenant Russell explained that the cost had gone up when San Rafael withdrew from the Task Force, but that they were optimistic that San Rafael would re-join.

Jeffrey Gale, 2575 Sir Francis Drake, described an article in the Wall Street Journal that had named Miller Avenue in Mill Valley as a major location for drug deals around 2:00 a.m. He also described gang activity, prostitution and other crime in Marin.

## **PUBLIC HEARINGS**

Introduction and First Reading of Ordinance No. 721, An Ordinance of the Town Council of the Town of Fairfax to Establish a Second Dwelling Unit Amnesty Program Ordinance (continued from May 2, 2007), Bragman

Planning Services Director Welsh presented the staff report.

In response to a question about parking requirements in the new ordinance, Director Welsh stated that most of the applications would go before the Planning Commission because most of the lots in Fairfax were substandard so that the provision of parking would be addressed on a case-by-case basis; that the requirements were to be relaxed for a one-year period to encourage people to apply; that she didn't expect a large number of applications; and she stated that the Marin Municipal Water District (MMWD) had indicated that they would give applicants a 50% reduction for hookup costs that could be paid over a 5-year period.

Councilmember Tremaine stated that the amnesty ordinance was the first of two things that the State had asked the Town to do to adopt the Housing Element and that the downtown zoning overlay was the second thing and was being reviewed by the Planning Commission.

There was a discussion about the possibility of extending the ordinance beyond one year and about the start date for the ordinance. Town Attorney Karpiak advised against including an extension in the current ordinance.

Mayor Bragman opened the public hearing.

Peter Ramsay, 130 Mono Avenue, stated that he worked for the Marin Housing Authority; that he had an illegal unit; and that San Rafael used a performance checklist to determine the status of a unit. He noted that the current Town Code provided that the unit could not be more than 30% of the size of the main house, that it was 40% in San Rafael; that parking wasn't allowed in the sideyard setback; and that a survey of the property was required and such a survey was very expensive. He stated that he had been encouraged by the idea that the Planning Commission would be flexible and that Mill Valley had been very successful with a similar amnesty program and had ended up extending it for six months.

Jan Hummingbird, 2575 Sir Francis Drake, stated that she had previously lived in a unit without

parking and that it had been very difficult but that the number of cars needed to be reduced to avoid smog, and that she currently lived in a subsidized "Section 8" unit.

Mayor Bragman closed the public hearing.

M/S, Tremaine/Brandborg, Motion to waive further reading of Ordinance No. 721, An Ordinance of the Town Council of the Town of Fairfax to Establish a Second Dwelling Unit Amnesty Program.

AYES: All

Town Attorney Karpiak suggested clarifying language regarding lot coverage in the ordinance and Mayor Bragman asked that the date be changed (the date when units had to be constructed or to be in existence to qualify for the amnesty) to the end of 2006 rather than June 7, 2006, as in the draft ordinance.

M/S, Tremaine/Brandborg, Motion to introduce ordinance No. 721, An Ordinance of the Town Council of the Town of Fairfax to Establish a Second Dwelling Unit Amnesty Program with the revision to the language requested by Town Attorney Karpiak and with the construction or existence date to be changed from June to December of 2006.

AYES: All

Introduction and First Reading of Ordinance No. 722, An Ordinance of the Town Council of the Town of Fairfax requiring the use of compostable plastic, recyclable paper and/or reusable checkout bags by all grocery stores, food purveyors, and other retail outlets in the Town of Fairfax, Tremaine/Bragman

Town Manager Kelly presented the staff report and the draft ordinance as requested by the Town Council. She described the negative environmental impacts and the danger to wildlife of plastic bags and presented an overview of the proposed ordinance.

Councilmember Brandborg requested that the discussion and introduction be delayed to allow the affected businesses to be notified of the public hearing.

Councilmember Tremaine stated that it was a critical environmental issue and offered to walk around downtown with a notice to expedite the process.

Mayor Bragman opened the public hearing.

Mark Squire, Good Earth owner and Treasurer of the Chamber of Commerce, congratulated the Council for addressing the issue and stated that it was a small step for a huge problem.

Andy Peri, quoted numbers from the proposed ordinance regarding the environmental impact of plastic; described conversations that he had with local shop owners that were predominantly supportive of the ordinance; listed other countries that had taken leadership on the issue; and thanked the Town for going forward with the ordinance.

Conrad Oho, 141 Lansdale, stated that he was glad to see the issue brought forward; that reusable containers needed to be encouraged; that there was very little meaningful recycling of "recyclable" containers; and that standardized, reusable containers were needed in the future for a long-term solution to the problem.

Chris Lang, 177 Canyon Road, stated that he used to do a lot of promotion of recycling in the 70's

before he became a bike guy; that glass bottles and paper bags should be used; and that the Chamber hadn't taken a position on the ordinance but that he personally supported it.

Cindy Ross, Pastori Ave., expressed concern about the plastic bags used for dogs that were provided by the town and how those could be made compostable.

Mayor Bragman suggested that having Fairfax and other cities and towns adopt similar ordinances would create a market for compostable plastic bags.

Rose Taber, Hillside Ave., applauded the efforts of the Council to eliminate plastic bags but asked that they take it even further. She noted that 90% of her customers didn't take bags for purchases when offered.

Mayor Bragman closed the public hearing.

M/S, Tremaine/Bragman, Motion to waive further reading of Ordinance No. 722, An Ordinance of the Town Council of the Town of Fairfax requiring the use of compostable plastic, recyclable paper and/or reusable checkout bags by all grocery stores, food purveyors, and other retail outlets in the Town of Fairfax.

AYES: All

M/S, Tremaine/Bragman, Motion to introduce Ordinance No. 722, An Ordinance of the Town Council of the Town of Fairfax requiring the use of compostable plastic, recyclable paper and/or reusable checkout bags by all grocery stores, food purveyors, and other retail outlets in the Town of Fairfax, with the deletion of the language in Section 8.18.020 (h) regarding printing on paper bags.

AYES: All

Mayor Bragman adjourned the meeting for a break from 9:20 to 9:35 p.m.

#### CONSENT CALENDAR

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

**Approval of Town Council Minutes of April 28, May 2 and May 23, 2007**

**Approval of Plans and Specs and Authorization to Bid Measure K FY 06/07 Capital Improvement Projects**

**Approval of extension of Artist in Residence contract with Shoshana Parry**

**Approval of Modification and extension of Memorandum of Understanding with San Anselmo Recreation**

**Proclamation in honor of the 100<sup>th</sup> Anniversary of the Town of San Anselmo, Brandborg**

**Approval of contract with Community Action Marin for youth services for 2007-2008 fiscal year**

**Adoption of Resolution No. 2492, A Resolution of the Town Council of the Town of Fairfax Authorizing Execution of an Updated Joint Exercise of Powers Agreement Relating to the**

## **MarinMap Project**

### **Approval of Amendment No. 1 to the contract with Knight Construction for the renovation of Town buildings damaged by the flood**

### **Report on Dominican University student volunteer assistance, Weinsoff**

### **Approval of contract with consultant Paula Schulz for Preparation of Flood Hazard Mitigation Plan**

### **Storm Damage Recovery Update**

### **Adoption of Resolution No. 2493, A Resolution of the Town Council of the Town of Fairfax Approving the Ross Valley Paramedic Authority Tax Levy for the 2007-2008 Fiscal Year**

#### Discussion:

Mark Squire, 212 Frustuck, stated that the Car Show, listed for approval on the Consent Calendar, did very little for the community, caused trouble for the merchants by impacting traffic and parking; and asked why the Town was celebrating the car in the days of global warming.

M/S, Bragman/Brandborg, Motion to remove the item, "Adoption of Resolution No. 2491, A Resolution of the Town Council of the Town of Fairfax authorizing closure of a portion of Broadway for the staging of the car show on September 9, 2007" from the Consent Calendar to be heard at the next meeting on the regular agenda.

AYES: Bragman, Brandborg, Maggiore, Weinsoff

RECUSED: Councilmember Tremaine (recused himself from the vote because his employer was a beneficiary of the funds raised at the Car Show)

NOES: None

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

AYES: Bragman, Brandborg, Maggiore, Tremaine

RECUSED: Councilmember Weinsoff (recused himself from the vote on the item approving the contract with Community Action Marin because he served on the board for the organization)

NOES: None

#### Review and acceptance of Audit of Financial Statements for Fiscal Year 2005-2006

Finance Director Roth presented the report. He stated that the audit was still open because some of the issues hadn't been closed; that the auditor had given unqualified approval with no significant problems noted; and that the final audit would be presented to the Council at a meeting in the near future.

#### Discussion and consideration of possible conversion of Mono Avenue between Bolinas and Elsie into a pedestrian-only right-of-way, Tremaine (continued from the meeting of May 2, 2007)

Councilmember Tremaine presented an oral report requesting that Mono Avenue between Bolinas and Elsie be converted into a pedestrian and possible bike right-of-way; suggested that it could be configured in such a way that emergency vehicles could get through; that it would be in line with the Council's goal to make the downtown area more pedestrian friendly; that the current

roadway provided a one-way street next to a one-way street so both weren't necessary; and that office doors opened onto the alley which didn't seem safe with vehicular traffic.

Councilmember Brandborg stated that she had walked around the area and had noted that the alleyway provided access for businesses on Bolinas and Broadway and that she thought any change should be part of the Circulation Element of the General Plan and part of a larger plan for the entire downtown area.

Mayor Bragman opened the discussion to the public.

Chris Lang, Chamber of Commerce, stated that to close Mono Alley was premature; that a food court was planned for that area; and that the idea needed to be studied and a survey done of merchants in the area. He reported that the Chamber had voted to support the food court idea as proposed by Gary Kleiman. He also suggested that a condition of approval for the car show could be that they had to provide parking with a shuttle to an area outside of downtown.

Gary Kleiman, 54 Manor, owner of Book Beat, stated that he had made a presentation to the Council about his request for tables and chairs at the bottom of the alley and had not received a response; that he had surveyed all the businesses in the area and none were opposed to closing the lower part of Mono; and that he supported looking into it further. He submitted letters of support for his proposal.

Councilmember Tremaine stated that the process had to be taken one step at a time and that closing the alley to vehicles was a first step.

Mayor Bragman opened the discussion to the public.

Andy Peri stated that the Marin Bicycle Coalition supported the conversion of Mono Avenue to pedestrians and bicycles only and commended the Council for their efforts to open up public space to the citizens.

Scott Valentino, 91 Porteous Ave., suggested that the area could be open to pedestrians for a portion of the day with vehicles allowed in the early a.m. and in the evenings.

John Reed, General Plan Advisory Committee, stated that the Town Center Element called for changes in the area; that he understood the desire for a pocket park at that location; that it was currently used that way informally; and suggested, since the General Plan process was so slow, that perhaps it could be done as an interim measure.

Rose Taber, Hillside Ave., clarified that the issue before the Council was the possible closing of Mono Alley for traffic, not the establishment of a food court, and that the decision about the latter would not be made at the current meeting.

Town Manager Kelly stated that staff would continue to research the process for Mr. Kleiman to establish a pocket park and the possibility of closing Mono Alley to vehicular traffic and clarified that noticing could be done within 300 feet of Mono Alley.

There was a consensus of the Council to direct staff to continue the item to the July 11<sup>th</sup> meeting to explore the feasibility of closing a portion of Mono Alley and to notice those businesses and residences in the area.

Report on status of ordinance regarding impervious surface limitations and water runoff mitigation in new developments to reduce surface runoff contributing to flood risk, Bragman/Tremaine

Planning and Building Services Director Welsh presented the staff report and noted that the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) was in the process of developing countywide policies on stormwater pollution and runoff mitigation. She suggested that Fairfax might want to wait for MCSTOPPP to provide their recommended policies for all of Marin before amending the Fairfax standards already in force. She also suggested that the Council could target specific problem areas in Town that might be subject to development with Town policies before the MCSTOPPP regulations were made available.

Mayor Bragman opened the discussion to the public.

Andy Peri, stated that he had done a Master's thesis on the topic; that impervious surfaces created downstream flooding and scoured creeks; and that the issue of pollutants was closely linked to impervious surfaces.

John Reed, 36 Scenic Road, spoke in support of the ordinance and noted that development and road extensions changed runoff and drainage patterns.

Chris Lang, 177 Canyon Road, described a past Planning Commission approval of a construction project that was conditioned by a requirement that the property owner provide a permeable driveway. He suggested that it would be easier to include the permeable surface requirements in the Town's building standards.

Direction was given to staff to keep current with the issue so that the Town could move forward as soon as possible with implementation.

The Town Council reviewed the agenda at 11:00 p.m. and decided to complete the time sensitive items remaining and to continue the other items. It was agreed that the response to the Grand Jury Report would be heard and that the other remaining items would be continued to a future meeting.

Approval of Town response to 2007 Marin County Civil Grand Jury Reports: (a) "Retiree Health Costs: I Think I'm Gonna Be Sick", and (b) "The Health and Wellness Center: A Disturbing List of Unanswered Questions"

Town Manager Kelly presented the staff report and noted that only thirteen or fourteen employees of the Town of Fairfax were eligible for retiree health care, and only after 10 years or more of Town employment, because the police employees weren't included.

Mayor Bragman opened the discussion to the public.

Mark Bell, 63 Dominga Ave., stated that the country needed a viable health care plan and that the U.S. had a high infant mortality rate that wasn't acceptable.

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk