

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, July 2, 2008

The meeting at the Women's Club was preceded by a Closed Session meeting at the Youth Center, 16 Park Road, for a Public Employee Performance Review of the Town Manager and two potential litigation cases.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Susan Brandborg (7:25 p.m.)  
Larry Bragman  
Mary Ann Maggiore  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:** Jim Karpiak, Town Attorney  
Ann Welsh, Planning Director  
Kathy Wilkie, Public Works Director  
Ken Hughes, Chief of Police  
Judy Anderson, Town Clerk

Mayor Maggiore called the meeting to order at 7:15 p.m.

Approval of Agenda and Affidavit of Posting

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

AYES: All

M/S, Tremaine/Bragman, Motion to amend the agenda to do the reading of the Declaration of Independence first with the honoring of Chuck Peri to be heard right after that reading.

AYES: All

Declaration of Independence Reading – Maggiore

A circle of citizens joined the Council and staff to take turns reading the Declaration of Independence in honor of the anniversary of our country.

Presentation of Award to Peri's Silver Dollar Bar for 40 Years of business in Fairfax

Mayor Maggiore presented an award to Chuck Peri for 40 years in business as Peri's Silver Dollar Bar in Fairfax. The award was received on behalf of his father and his uncle by Andy Peri.

Closed Session Announcement

Mayor Maggiore announced that a performance review was conducted, information was received and that direction was given to legal counsel.

Announcements

Mayor Maggiore made the announcements as listed on the agenda and also announced that Alec Hoffmann would be resigning from the Planning Commission and applications were welcome for his replacement. She also invited any interested young person to contact her to join her on a

sailing trip on a tall ship.

Open Time for Public Expression

Jim Garrety announced an event scheduled for Thursday, July 17<sup>th</sup> at Pickleweek Park in the Canal area of San Rafael, to promote the use of municipal identification cards for citizens. He stated that he had requested affidavits from Towns and Council Members in support of the plan.

Interview and appointment of candidates to the Fairfax Youth Commission

Matthew Jaspering, a Drake High School student, stated that he would like to serve on the Youth Commission to have input about youth activities in his community. He described his service on the Jefferson Committee at Drake, a committee that rewarded students for outstanding public service.

M/S, Bragman/Tremaine, Motion to appoint Matthew Jaspering to serve on the Fairfax Youth Commission.

AYES: All

Consent Calendar

**Approval of Financial Report and Check Register**

**Approval of Town Council minutes of April 16, and 26, 2008**

**Adoption of Resolution No. 2557, A Resolution of the Town Council of the Town of Fairfax Approving the Measure K Bond assessment for the 2007-2008 Fiscal Year**

M/S, Tremaine/Brandborg, Motion to remove Resolutions 2555 and 2556 from the Consent Calendar at the request of Vice Mayor Weinssoff who had asked that more attention be given to the issues involved, and with the item regarding Scenic Road to be heard first at the request of Mayor Maggiore.

AYES: All

Adoption of Resolution No. 2559 Accepting Upper Scenic Road as a Town Maintained Road

Public Works Director Wilkie presented the staff report with the recommendation that the Council adopt the Resolution to avoid the necessity of securing right of entry agreements from all the property owners involved and with the understanding that the neighboring residents would participate in the cost of paving the road. She stated that the Town had budgeted \$115,000 for the project out of Proposition 1B funds.

Councilmember Bragman ascertained that a cost estimate for the project would be available the following week. He stated that Proposition 1B restricted the use of funds to only public roadways; that he didn't believe that the Town was required to accept the road for maintenance if it was a public roadway with a public right-of-way; that he wanted to move forward to commit the Proposition 1B money but wanted the estimated cost of the project first; that he had a problem with accepting the roadway before knowing the total cost of the project; that he had worked to get the slide repair money from the Office of Emergency Services (OES); that he wanted it done in a more logical way; and that the Council needed to know how much it was going to cost and the neighborhood needed to know what their commitment would be before moving forward.

There was a consensus of the Council to direct staff to secure bids on the project and to clarify the contributions from the neighbors before adopting a resolution to accept the road.

Mayor Maggiore opened the discussion to the public.

Resident, Ridge Road, agreed with the Council's logic and accepted the delay, but stated that he would like to see it repaired before the rainy season.

Linda Berry, 492 Scenic Road, expressed concern about another delay on the repair of the road; stated that she was aware that federal funding was not available because it was not a town-maintained road; and that she had been trying to get the Town to accept the road.

Councilmember Tremaine explained that there was no actual delay in the timing of the project but that the Council wanted to perform the steps in the process in the proper order.

Adoption of Resolution No. 2558, A Resolution of the Town Council of the Town of Fairfax appointing professional consultants in connection with proposed refunding general obligation bonds

Town Manager Rock presented the staff report and stated that the Town had a very unique opportunity to refinance the 2000 Measure K Bonds to take advantage of much lower interest rates available.

Raj Chadry, Bond Consultant from Wulf, Hansen & Co., explained the process. He stated that the bonds were currently at 5.25% to 6.1% over the life of the bonds (to 2025); that there were comparable bonds on the market for 2.5% to 4.7%; that the Town could receive from \$150,000 to \$200,000 in proceeds from the changeover and could decrease the level of taxes paid by the citizens. He explained that new bonds could be issued at a lower rate so the annual savings would be considerable, enough to refinance with money leftover.

Mark Preston, Bond Consultant, Wulf, Hansen & Co., explained how the funds would be produced and described the process involved.

The Council discussion clarified that the Measure K bond proceeds would continue to be dedicated only to the purposes defined in the original tax measure; that the life of the bonds would still be to 2025; that the savings could be used to reduce the cost to the taxpayers or could be used to accomplish more projects; that the bond consultants were chosen because of their excellent reputation and because they had worked successfully with Fairfax in the past; and that savings of \$10,000 to \$20,000 per year were expected.

Mayor Maggiore opened the discussion to the public.

No speakers came forward.

M/S, Brandborg/Tremaine, Motion to adopt Resolution No. 2558, A Resolution of the Town Council of the Town of Fairfax appointing professional consultants in connection with proposed refunding general obligation bonds.

AYES: All

Adoption of Resolution No. 2556, A Resolution of the Town Council of the Town of Fairfax promoting voluntary water conservation efforts, Brandborg/Weinsoff

Vice Mayor Weinsoff presented the report, stated that we had experienced the driest three months in Marin history; asked that a letter be sent from the Town Manager to Fairfax restaurants suggesting that they serve water only when requested by customers; urged water conservation on a voluntary basis; and introduced Dan Carney from Marin Municipal Water District (MMWD), who

had been asked to address the Council on the MMWD conservation programs as part of an effort to educate residents about the myriad of ways to conserve water.

Dan Carney, Water Conservation Manager at MMWD, stated that he was glad to hear that Fairfax was promoting water conservation; offered to support the Town's efforts in any way MMWD could; and distributed brochures outlining the conservation measures and programs available through MMWD.

In response to a question from Mayor Maggiore about the three most wasteful things in the average household, Mr. Carney responded that the three were irrigation, clothes washers and toilets. He stated that MMWD offered a maximum \$250 rebate to change to a water conserving toilet; that rebates were also available from MMWD and PG&E for clothes washers that used less water; and that smart irrigation controls and drip irrigation could save water and rebates up to \$350 were available.

In response to a comment from Councilmember Bragman about dual use toilets with two buttons on them, Mr. Carney stated that dual use toilets could reduce the water used by 25% and that such toilets might be incorporated into a new ordinance for new construction or be mandated in the future. He noted that manufacturers were producing more efficient toilets and that the State was likely to come up with new standards.

Councilmember Brandborg commented on a recent Mayors convention that had resulted in a number of cities taking bottled water out of their buildings.

Mayor Maggiore asked that more of the brochures be made available to school children and to teachers, and mentioned Laura Honda of Manor School especially as an environmentally conscious teacher who would like to receive the brochures.

Mr. Carney stated that grants were available for teachers and that MMWD supported educational programs.

M/S, Weinsoff/Brandborg, Motion to adopt Resolution 2556, A Resolution of the Town Council of the Town of Fairfax promoting voluntary water conservation efforts

AYES: All

Adoption of Resolution No. 2555, A Resolution of the Town Council of the Town of Fairfax approving the creation of an Affordable Housing Ad Hoc Committee

M/S, Tremaine/Weinsoff, Motion to adopt Resolution No. 2555, A Resolution of the Town Council of the Town of Fairfax approving the creation of an Affordable Housing Ad Hoc Committee with the revisions suggested by Vice Mayor Weinsoff.

AYES: All

Adoption of Resolution No. 2560 Authorizing Approval of Agreement for Services as Private Placement Agency with Brandis Tallman LLC & Bond Counsel and with Jones Hall to issue Clean Renewable Energy Bonds (CREBS) in the amount of \$249,000

Public Works Director Wilkie presented the staff report. She explained that the interest-free bonds were applied for in 2007 to put solar panels on the Pavilion, Town Hall, the Police Department and the Youth Center and that the bonds would be secured with the Youth Center building. She introduced Rick Brandis of Jones Hall.

Mr. Brandis explained that this was a program allowed by the Federal Government to provide interest-free bonds to the Town; noted that the program would close at the end of the year; stated

that the Town would only be obligated to pay back the principal amount with sixteen equal payments of \$12,500 per year; and that the money had to be spent within eighteen months.

In response to questions, Town Manager Rock stated that the panels would save about \$10,000 per year at the current rates.

Mayor Maggiore opened the discussion to the public.

Jennifer Horn, Pastori Avenue, Volunteer with Sustainable Fairfax stated that Marin Clean Energy estimated that you would pay a maximum of 10% more to opt for clean energy; applauded the Council for installing solar and setting an example; and announced that a Marin Clean Energy panel discussion was scheduled for July 17th.

M/S, Tremaine/Bragman, Motion to adopt Resolution No. 2560, Authorizing Approval of Agreement for Services as Private Placement Agency with Brandis Tallman LLC & Bond Counsel and with Jones Hall to issue Clean Renewable Energy Bonds (CREBS) in the amount of \$249,000

AYES: All

Response to Grand Jury report regarding Humane Society Services (Police Dept.)

Chief Hughes presented the staff report in response to the Marin Humane Society's report entitled, "Tails of Marin" about animal services provided by the Marin Humane Society. He stated that it was a positive report. Chief Hughes reviewed the proposed response to the Grand Jury and noted that the Joint Powers members should have been given an opportunity to examine the cost allocation statement published by the Humane Society before the statement was posted on their Web site; that the Report did not provide specific information about the unwanted cat population in Fairfax noting that Fairfax would not be supportive of microchips for all cats; and that the Humane Society should collaborate more with other related agencies like the various animal rescue groups in Marin. He also stated that Fairfax contributed some of the 2.7 million dollars budgeted for animal control by the Humane Society and that the local police departments responded to barking dog complaints.

Mayor Maggiore opened the discussion to the public and no speakers came forward.

M/S, Tremaine/Brandborg, Motion to approve the response to the Grand Jury as presented.

AYES: All

Council Reports and Comments

Mayor Maggiore stated that she would like to discuss some of the issues that the Council had been working on in the next couple of weeks would like to discuss some. She reported that the Fire Board was moving forward with the JPA with Sleepy Hollow, that Marin Clean Energy was expected to have an ordinance for the Council's review by August; and that she was still urging TAM (Transportation Authority of Marin) to keep the redwood trees slated for removal by Samuel Taylor Park.

Councilmember Brandborg announced that she had been appointed by the Marin County Mayors and Councilmembers organization to serve as president starting in September.

Mayor Maggiore adjourned the meeting in memory of Marin Firefighters Robert Confer and Jeff Powers at 9:10 p.m.

