

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, March 3, 2010

The regular meeting was preceded by a special meeting closed session regarding pending litigation, Fairfax v. Berg.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Pam Hartwell-Herrero
John Reed
Lew Tremaine
David Weinsoff

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Ken Hughes, Chief of Police
Jim Moore, Planning Director
Laurie Ireland-Ashley, Finance Director
Jim Karpiak, Town Attorney
Mark Lockaby, Building Official
Kathy Wilkie, Public Works Director
Judy Anderson, Town Clerk

Mayor Tremaine called the meeting to order at 7:35 pm.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Weinsoff, Motion to approve the agenda and the Affidavit of Posting.

AYES: All

Announcement of Closed Session Action

Mayor Tremaine announced that the Council had met with legal counsel regarding Fairfax v. John and Marlia Berg, that direction had been given to staff and that no action had been taken.

Announcements

Mayor Tremaine announced the openings on the General Plan Advisory Committee, the Youth Commission, the Open Space Committee, the Affordable Housing Committee, the Volunteer Board and the Parks and Recreation Commission and also announced the annual Chamber Brewfest on March 13th, the Little League Parade and Opening Ceremonies also on March 13th and the PARC sponsored annual Easter Egg Hunt on Saturday, April 3rd.

Open Time for Public Expression

Frank Egger, Meadow Way, provided an overview of the history of the Berg property, the subject of the Closed Session; stated that the public had always had access to the subsequently named "Frank Egger Redwood Grove" open space property; that Berg had purchased the property adjacent to the Town limit and had blocked access to the Grove; that it was similar to the situation that the County of Marin faced with property owned by a member of the band Metallica regarding access; and urged the Council to keep the public access to the property.

Jory Prum, 25 Wreden, warned that effective March 14th, the bus schedule would change due to a

shortfall at Golden Gate Transit; that Fairfax bus service would not go past 8:30 p.m.; that it would affect employees who worked at restaurants and bars; that it would be a hardship for the Town because Fairfax was the only town with a nightlife; that currently the last bus ran at 11 or 11:30 p.m.; and asked that the Town Council take action to prevent the loss of service to Fairfax.

Keegan LaPorta, Fairfax, spoke against the June ballot measure to keep small energy agencies from forming in competition with PG&E; noted that the Common Sense Coalition of Marin was a front for PG&E and had been sending out expensive flyers in support of the measure; and asked that the Council consider adopting a resolution in opposition to the measure.

Mayor Tremaine responded that the Council had already passed such a resolution the previous year.

Carl Shapiro, attorney and 65-year resident, stated that he was not speaking on behalf of a client, but on behalf of the people of Fairfax and for an asset of the Town, the Fairfax-San Anselmo Children's Center; asked that the Council join with all the other people to save it from the Ross Valley School District; stated that the Center was a very valuable thing to have and a terrible thing to lose; urged the Town Council to initiate some kind of communication and to make every effort to keep the Center from being ousted; and to please participate in saving the Center as a Fairfax asset.

Robert Shoemaker, Deer Park neighborhood resident, corrected an error made at the previous meeting about water flow from Bolinas Road and indicated that he had been wrong stating that water to the neighborhood would have to come from Bolinas Road. He also asked who was in charge of deciding to put sidewalks in the area.

Rick Holland commended the Council for taking up issues regarding the Ross Valley Sanitary District; stated that misinformation had been put out by the District in their recent newsletter; that the Executive Director made \$197,000; that millions of dollars of taxpayers' money was being wasted; and that the Sanitary District had refused to collaborate with the other sewer agencies about consolidation.

Presentation on the traffic impact of the Sir Francis Drake Pipe Replacement Project in Ross and Traffic Impact – Marin Municipal Water District Kevin McDonald

Kevin McDonald, MMWD, described the expected impact of the proposed Sir Francis Drake Pipe replacement project on traffic SFD Pipe and the measures being taken to mitigate the problem.

Council Reports and Comments

Mayor Tremaine reported that he and Councilmembers Reed, Hartwell-Herrero and Weinsoff, all attended the recent Marin County Council of Mayors and Council Members dinner meeting at Town expense and had heard a very interesting report on a possible countywide ban of plastic bags and a possible fee to be charged for paper bags.

Mayor Tremaine reported that the Transportation Authority of Marin had decided to move forward to explore a ballot measure to approve a \$10/per vehicle fee to go to local roads that would raise about two million dollars for roads and transit projects in Marin.

Councilmember Weinsoff commented on Mr. Holland's open time remarks and reported that he had sent a letter to RVSD asking about their consolidation efforts, had received a long letter back about a possible town hall meeting on the subject and that Mayor Tremaine had sent a letter encouraging that result; that he and Councilmember Hartwell-Herrero were working on the homelessness issue; and that San Anselmo had reinvigorated their flood committee and had asked for other Council members to attend a meeting the following week in their Council chambers.

Vice Mayor Bragman reported on a meeting on the Affordable Housing Committee at the Lutheran Church by Cascade Canyon School with a couple of architects, one from the Town and one from the Church. He noted that creating a small community of elders and youth at the site was the desired outcome of the proposed project.

Councilmember Hartwell-Herrero stated that she had asked for more reporting from the Council on their activities and was pleased with the result. She reported that she had met with Vice Mayor Bragman about a skate park in Fairfax. As the representative for Fairfax on the Community Block Grant Committee, she described the projects that had been awarded to Fairfax; reported that \$170,000 worth of projects were applied for with only \$60,000 available; and stated that she was delighted to be serving on the committee.

Councilmember Reed noted that his report would be included with an item later on the agenda.

Update on the Ross Valley School District Plans for a new K-5 School at Deer Park Site

Town Manager Rock presented a staff report and stated that the School Board had met on Thursday night after his report was written and that the options had been reduced from eight to four.

Councilmember Reed reported on the Thursday meeting that he and Town Manager Rock had attended and the options put forward and discussed. He described some of the issues still to be addressed including: traffic issues; no teacher input; fifth graders on buses to White Hill; overcrowding at Manor with Fairfax children attending school in San Anselmo; the existence of an established community daycare center at the Deer Park site; and opposition from the neighbors due to safety issues in the Deer Park neighborhood including the location in a box canyon, liquefaction and slide potential. He questioned the ability of the School Board to pass a measure on the June ballot without time for the proper vetting of all the issues related to the options put forth by the School Board and without all the details worked out.

The following individuals spoke against the use of the Deer Park site for a new school for the District:

Heidi Tomsy, Fairfax-San Anselmo Children's Center (FSACC) Director; Erik Schweneger, Program Director at FSACC; Marie Brougham, San Anselmo resident, Board President of FSACC, Misty Moreno, Park Road, Joseph Odom, Porteous Ave., Valeri Hood, Dominga Avenue; Shiloh Cocines, Fairfax resident and graduate of FSACC; Kelly Lowry, Meernaa Ave., Helen Fauss, Fairfax Open Space Committee; James Brougham, FSACC graduate; Roberta Sandees, Snowden Lane; Melan Machette, Deer Park Neighbor; Pilar Thomas, Cascade Drive; Diane Hoffman, Porteous Ave.; Jamie Carney, Fairfax native; Cassandra Morales; Jessica Tomsy, Alumni of FSACC; Tony Yudice, Forrest Terrace; Karen Alfaro, FSACC Graduate; Rachel Acord, Alumni of FSACC; Guillermo Segovia, FSACC instructor/Alumni; Trevor Hughes, Porteous Ave.; Janet Garvin; Mark Bell, Dominga Ave.;

The following individuals spoke in support of the use of Deer Park as the site of a new school for the District:

Sharon Sagar, Ridge Road, School Board President; Conn Hickey, School Board member; Camille Esposito, FOCAS; Rick Holland.

The following individuals also spoke on the issue: Sierra Salin, Cascade Drive, urged cooperation to solve the problem and Mimi Newton, Fairfax Open Space Committee who asked the Council to maintain access to the open space at Deer Park.

M/S, Weinsoff/Bragman, Motion to appoint Mayor Tremaine and Councilmember Reed to serve on

a committee with the Ross Valley School District Trustees to develop a solution to the problem of limited classroom space and anticipated large increases in students in the District before the November election.

AYES: All

Mayor Tremaine adjourned the meeting for a break from 10:00 to 10:18 p.m.

M/S, Bragman/Weinsoff, Motion to continue the following items to the next regular meeting: a report on the joint meeting of the Parks and Recreation Commission with San Anselmo; the facility use policy (from the Consent Calendar); the telecommuting and telecommunications policies; Second Unit Amnesty Program; smart meter discussion; and the fence height ordinance discussion.

AYES: All

CONSENT CALENDAR

Approval of Town Council minutes of January 13 and February 3, 10 and 22, 2010– Town Clerk

Report on the status of the General Plan Update – Planning

Approval of Notice of Completion for Glen Drive Culvert Project – Public Works

Adoption of a Resolution of the Town Council of the Town of Fairfax Approving the Administrative Assistant II position and Establishing the Salary Range, and deleting the Administrative Assistant I position – Town Manager

Approval of a budget amendment for \$8,000 to hire a part-time Accountant for the Finance Department – Town Manager

Report on the status of the perchlorethylene (PCE) spill at the Fair Anselm retail center – Bragman

M/S, Weinsoff/Bragman, Motion to adopt the Consent Calendar with the continuation of the item on the proposed facility use policy and the removal for discussion of the item regarding the perchlorethylene (PCE) spill at the Fair Anselm retail center.

AYES: All

Comments on the Consent Calendar

George Bianchini, Broadway Video, expressed his opinion that just because all the agencies were involved didn't mean that the spill would all get cleaned up and asked that someone on the council stay involved to make sure that the necessary clean up was done.

Vice Mayor Bragman volunteered to be the liaison on the project and stated that he would keep the Council informed.

Councilmember Reed commented on the draft minutes of the February 3rd Council meeting and asked that wording be included in the discussion of the possibility of a paid person being hired to help with the Fairfax Festival to reflect his remarks about the possible problems that would be created and the possible resentment of the many volunteers who worked on the Festival.

Adoption of a Resolution of the Town Council of the Town of Fairfax approving a Garbage and Recycling Service Rate Increase of 3.18% beginning May 1, 2010 – Town Manager

Town Manager Rock presented the staff report.

M/S, Bragman/Hartwell-Herrero, Motion to Adopt a Resolution of the Town Council of the Town of Fairfax approving a Garbage and Recycling Service Rate Increase of 3.18% beginning May 1, 2010.

AYES: All

Discussion/Consideration of Web-casting Town Council meetings – Public Works

Public Works Director Wilkie presented the staff report.

Barbara Thornton, San Anselmo Council Member and representative to the Marin Telecommunications Agency; stated that the Town already had fiber to connect to Marin IT; that real time audio or video could do the webstreaming video and audio through the existing internet access; and that the Town could extend the connection to the Women's Club and use the TH connection but would need to purchase equipment for the Women's Club. She further stated that the Town was a little ahead of the new Media Center's ability to accommodate the Town's needs but that they would be providing the Town with comparative costs within the next month.

There was a discussion of the Granicus program and other ways to provide streaming and the comparative costs. There was a consensus of the Council to delay the discussion until the Town received a more qualified quote from the Media Center.

Vice Mayor Bragman requested data on the real cost of the energy used by the Town excluding electricity for the light poles to ascertain the savings to the Town since the installation of the solar panels.

Public Works Director Wilkie stated that SPG Solar, the company that installed the solar, was going to do a complete audit of the energy before and after solar installation.

There was a consensus of the Council to direct staff to go ahead with the trenching to allow for the laying of fiber by Marin IT to connect to the Women's Club and to continue to work with the Media Center to move toward web streaming the Council meetings.

Discussion/Consideration of a Memorandum of Understanding between the Marin Energy Authority and the Town of Fairfax regarding Loan Guarantee - Tremaine

Town Manager Rock presented the staff report.

Town Attorney Karpiak reported on the documents that were still being reviewed as part of the proposed MOU.

Dawn Weisz, Marin Energy Authority reviewed the steps taken to date and explained the need for a guarantee for the loan.

Mayor Tremaine ascertained from Ms. Weisz that the benefit to the Town would be a \$7500 discount per year for five years on energy costs.

Town Manager Rock noted that the Council had not yet made a decision about the level of green energy they wished to use and suggested that the level choice be included on the April 7th Town Council agenda.

Mayor Tremaine led a discussion on the topic and stated that Fairfax had volunteered to contribute

to the Authority, and had not been asked to contribute.

Dawn Weisz, Marin Energy Authority, clarified that the risk diminished with time as the ratepayers started paying, that the money from the Town would be used as a loan guarantee, not as collateral, that the agreement was for two years but could extend to five years, and suggested that the Council approve the agreement subject to the revisions requested.

Councilmember Weinsoff asked if the Town could recover the money used if it was needed for an emergency and was assured by Ms. Weisz that it could be released if necessary.

Vice Mayor Bragman expressed his support for the Marin Energy Authority but stated that he wanted to do it smartly and carefully and didn't want to rush into an agreement that wasn't clearly defined.

Mayor Tremaine opened the discussion to the public.

The following persons spoke in support of the agreement: Hannah Duress, Porteous Ave., Tony Yudice, Forrest Terrace; Mark Bell, Dominga Ave.; and Rebekkah Collins, Monte Vista (as long as the documents were fixed).

Vince D'Amico spoke against using the Town's money.

Vice Mayor Bragman stated that he had received a request from the Town Treasurer to delay the decision until she could review the final documents.

M/S, Hartwell-Herrero/Reed, Motion to approve the loan guarantee in concept up to \$100,000 with direction to the Town Attorney to continue to work with the Marin Energy Authority Counsel to bring back revised documents for approval by the Town Council, with a friendly amendment to the motion by Councilmember Reed to have the Town Treasurer review the documents before presentation to the Council.

AYES: All

Second Reading and Adoption of Ordinance No. 749, an Ordinance of the Town Council of the Town of Fairfax, adopting by reference a revised Animal Control Ordinance fee schedule, Marin County Ordinance No. 3532 – Town Clerk

Town Clerk Anderson presented the staff report.

M/S, Weinsoff/Reed, Motion to waive further reading and to read the title only of Ordinance No. 749, an Ordinance of the Town Council of the Town of Fairfax, adopting by reference a revised Animal Control Ordinance fee schedule, Marin County Ordinance No. 3532.

AYES: All

M/S, Bragman/Weinsoff, Motion to adopt Ordinance No. 749, an Ordinance of the Town Council of the Town of Fairfax, adopting by reference a revised Animal Control Ordinance fee schedule, Marin County Ordinance No. 3532.

AYES: All

Second Reading and Adoption of Ordinance No. 750, an Ordinance of the Town Council of the Town of Fairfax Amending the Contract Between the Town of Fairfax and the Board of Administration of the California Public Employees' Retirement System to Reflect the change to 2% at 55 retirement for Newly Hired Miscellaneous Members – Town Clerk

Town Clerk Anderson presented the staff report.

M/S, Weinsoff/Hartwell-Herrero, Motion to waive further reading and to read the title only of Ordinance No. 750, an Ordinance of the Town Council of the Town of Fairfax Amending the Contract Between the Town of Fairfax and the Board of Administration of the California Public Employees' Retirement System to Reflect the change to 2% at 55 retirement for Newly Hired Miscellaneous Members.

AYES: All

Mayor Tremaine opened the discussion to the audience.

Frank Egger, Meadow Way, asked if the fire and police employees were also taking a reduction; determined from staff that the police had already agreed to a two-tiered retirement contract; and stated that the other employees should also be sharing the pain.

M/S, Weinsoff/Hartwell-Herrero, Motion to adopt Ordinance No. 750, an Ordinance of the Town Council of the Town of Fairfax Amending the Contract Between the Town of Fairfax and the Board of Administration of the California Public Employees' Retirement System to Reflect the change to 2% at 55 retirement for Newly Hired Miscellaneous Members.

AYES: All

Oral Report and Discussion of applying for the "Google Fiber for Communities" program, and assignment of an individual to represent Fairfax in the application. This program is designed as a pilot program, and would result in connectivity speeds of up to 100 times the country average, at a comparable cost to what currently exists - Reed

Councilmember Reed described a pilot program that Google was proposing to lay fiber to individual homes and businesses in different communities and requested authorization to apply on behalf of the Town.

Public Works Director Wilkie reported that the MTA with Barbara Thornton was going to take a lead role in a consolidated countywide effort to apply for the same program.

Barbara Thornton reported that the Marin Managers had already approved of the plan and that MTA was set to talk to the County Public Works Directors.

The meeting was adjourned at 12:15 a.m.