

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, May 4, 2011

The regular meeting was preceded by a special meeting closed session regarding labor negotiations with Town designated representative Michael Rock, Town Manager for Employee Organizations: SEIU, POA, and Management employees; and Performance Evaluation, Town Manager.

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  
Jim Moore, Planning Director  
Roy Clarke, Acting Town Attorney  
Laurie Ireland-Ashley, Finance Director  
Chris Morin, Chief of Police  
Judy Anderson, Town Clerk

Mayor Bragman called the meeting to order at 7:18 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the agenda.

AYES: All

Announcement of Closed Session Action

Mayor Bragman announced that the Council had given direction to the labor negotiator and that no action was taken.

Announcements

Mayor Bragman made the announcements as printed on the agenda. It was also announced that a food bank program was to start, Saturday, May 14<sup>th</sup> at 10 a.m. at the Community Church, and that it would be open to anyone to receive the free food.

Mayor Bragman read an acceptance speech given by Paula Ross when she was honored recently at the State Capitol as a Holocaust survivor.

Open Time

Yvette Wakefield, asked that the Council take another step in opposition to geoengineering in the skies; stated that newspapers and others pretended that it wasn't happening; that it was time to start demanding information; that nobody had the right to pollute the skies to control the weather, not the military, not anybody; that it was blocking our sun and causing an epidemic of Vitamin C deficiency with cases of rickets on the rise; that it contributed to respiratory infections;

and she asked that the Council request that our congressional representatives take action.

Barbara George expressed support for the nuclear power resolution on the agenda; stated that she was an intervener in CPUC proceedings and filed an alternate plan with them calling for the shutdown of nuclear power; stated that the book "Deadly Deceit" came out after Chernobyl and reported that there were 40,000 deaths in the months after the Chernobyl disaster; and she quoted a statement from the Nuclear Regulatory Agency transcripts from the 80's commenting on the San Onofre plant that earthquakes were no worse than fog and had no impact.

Mayor Bragman asked for an electronic copy of the petition that Ms. George had filed.

Eileen Brown, stated that she had witnessed a child hit by a car in the intersection of Park and Bolinas in the crosswalk; that it was not safe for pedestrians and bike riders in the Town; that crosswalks and sidewalks needed attention; and she encouraged the Council to improve safety for children riding bikes to school. She also thanked the Council for initiating the nuclear resolution.

Mayor Bragman asked that the Safety Committee meet on the subject and noted that David Parisi, the traffic engineer, had volunteered to return to Fairfax to help with some of the problems.

Councilmember Reed suggested that Ms. Brown participate in Safe Routes to School (SRTS) meetings and described the efforts they had made to make the routes safe and the grants that had been sought, and noted that one of the components of SRTS was education.

Interview and appointment of candidate(s) for appointment to the Parks and Recreation Commission for a full four-year term to May 31, 2015

Town Clerk Anderson presented the staff report and noted that the only applicant was the incumbent, Elon Rosenfeld, and that he was not in attendance but wished to be re-appointed.

M/S, Tremaine/Bragman, Motion to appoint Elon Rosenfeld to the Parks and Recreation Commission for a full four-year term to May 31, 2015.

AYES: All

Council Reports and Comments

Councilmember Weinsoff reported on his attendance at the MCCMC dinner, at the MCCMC Legislative Committee, and noted that the special Pension Committee was coming to a conclusion. He also reported on his attendance at two meetings of the Ross Valley Sanitary Board regarding a proposed rate increase.

Vice Mayor Hartwell-Herrero reported on a meeting of the Zero waste committee meeting; reported that she had attended an Environmental Leadership breakfast with Jared Huffman; a meeting with all the bargaining units; a Finance Committee meeting; a Youth Commission meeting; a meeting with an employee of the Tamalpais Community Services District and Mayor Bragman about dealing with waste streams; a Food Pantry training; a Spring Cleanup and painting of the Youth Center; and served as an election training speaker for people who were interested in running for office.

Councilmember Reed stated that he attended nine meetings: Fairbuck meetings, a couple of

meetings with the Ross Valley School Board about the new borders of the district, and the monthly MCCMC dinner meeting. He asked that an item regarding "fracking," a method of extracting natural gas that destroyed ground water, be placed on a future Council agenda with a request that providers of energy to Fairfax be required to certify that their natural gas was not produced by fracking.

Councilmember Tremaine reported that he had attended the MCCMC meeting; the Marin Energy Authority meeting and the Fire Board meeting.

Mayor Bragman reported that he had attended several meetings of the Transportation Authority of Marin (TAM); that the Planning Director had applied for a Marin Transportation Authority grant for the cross Marin bikeway at the last minute and that the application had scored in the top 3; and that at the Telecommunications Agency meeting he had voted with the majority to switch to a State franchise that would provide \$700,000/year for media in Marin and might help get Fairfax meetings webcast. He also attended the Ross Valley Paramedic Authority meeting and reported that they had expanded their mission to provide general ambulance service to the public, that they didn't charge for the service, that it gave the paramedics more experience with patients, and that it was a good change for the community.

### Town Manager's Report

Town Manager Rock discussed the possible dates for the summer meetings of the Council. It was agreed that the July meeting would be held on the 13<sup>th</sup> and that the August meeting would be held on the 17<sup>th</sup> to accommodate the vacation schedules of the Council members.

### Discussion/Consideration of a local sales tax in the Town of Fairfax – *Bragman*

Mayor Bragman introduced the subject and presented a brief overview of the declining revenues and increasing costs for the Town. He proposed that the Council consider a ½ cent sales tax.

Councilmember Tremaine stated that the Council needed to consider a sales tax for the November election; that they needed to have a full discussion with the public about it; that revenues had to increase; that he would also like to have the Council consider placing on the ballot what Oakland did with their marijuana dispensaries and the fees charged; that it would be a good signal to the community to show that they were looking at every possible revenue stream; and that it would be egalitarian because everybody who came to town and used the roads and services would pay something, and stated that he intended to support it.

Councilmember Reed reported on a Chamber of Commerce meeting that he had attended where merchants had discussed the possibility of a sales tax; that part of the conversation needed to be how the money would be used and why it was needed; that it couldn't be done with cuts alone; that an entertainment tax was another idea; and asked that the public let the Council know their ideas.

Vice Mayor Hartwell-Herrero stated that a general tax would require a simple majority vote and a special tax, designated for a special purpose, would require a 2/3 vote for passage; noted that the Town received about 1% of the 9% sales tax; and that a ½ cent Fairfax sales tax would generate about \$150,000 annually.

Councilmember Weinsoff stated that the Council had to have a conversation about how to continue to provide services with decreasing revenues; that it started with Prop 13 and decreased revenue from property taxes; that there was no way to continue to provide services, including public safety, with the current funding; that the Council would continue to ask the citizens for more tax dollars; and that it would be a miserable and continuing conversation.

Mayor Bragman opened the conversation to the public.

Yvette Wakefield, Main Court, stated that she was shocked when she made purchases that included the tax and suggested stopping the war and using that money.

Mayor Bragman stated that the war costs came from federal taxes paid by residents and that the Town couldn't control those taxes.

Yvette Wakefield, Main Court, stated that it could be done through the courts, through demonstrations and whatever means including refusal to pay federal taxes, that people needed to be educated, and that the world was falling apart.

Mayor Bragman noted that every public agency was facing the same dire financial picture and it was having a devastating impact on the quality of life. To address this issue, the Council was considering a half-cent sales tax.

Councilmember Tremaine stated that the Council didn't have any control over the Federal government; that our community did speak out and that it hadn't changed our circumstances; that the Town was struggling for dollars; that the middle class was being squeezed out; and that to be able to continue to speak out, the Town needed to survive.

Valeri Hood, Dominga Ave., suggested that a statement could be made and a movement organized to ask for the money back from Wall Street, which represented trillions of dollars. She asked that the Town Council support a showing of the film "Gasland" with Norman Solomon to speak about the film.

Matthew Witmyer suggested a tax on medical marijuana receipts as was done in Oakland, but without an undue burden on the patients.

Mark Bell, Dominga Ave., stated that it would be nice if the Council supported future sales tax measures that they made sure that the taxes did sunset when promised, complained about increased sales taxes already assessed and the increased bridge tolls and other increases.

Mayor Bragman explained that the Council was talking to all the different groups of employees to ask them to share part of the sacrifice; that the Town's biggest asset and biggest expense was the employees who provided the services; that when they asked for the tax, they were going to be asking others to sacrifice as well; asked that the public let them know what they thought on the issue; and announced that there would be a special meeting on the subject the following month.

#### Consent Calendar

**Approval of Town Council minutes of March 2, 2011 – Town Clerk**

**Approval of Financial Statements for March, 2011 - Finance**

**Approval of extension of Planning Consultant Contract with LAK Associates – Planning**

**Proclamation honoring Joe Langlois on the occasion of his retirement from Ross Valley Fire Service – Tremaine/Weinsoff**

Councilmember Weinsoff asked that his comment about when the garbage contract should be completed be included in the minutes of March 2, 2011, to read, "Councilmember Weinsoff

stated that it should be completed by the end of the fiscal year."

Councilmember Tremaine requested that the item regarding nuclear power be removed from the Consent Calendar for discussion.

In reference to the financial statements, Mayor Bragman asked for contact information at the County so that he could follow up on earlier discussions held regarding vehicle code fines and whether or not the County was still deducting a portion of the revenue. He also noted that the cable revenue was based on old figures and that the revenue had been over six figures on the franchise fees for quite a while.

M/S, Tremaine/Reed, Motion to approve the Consent Calendar with the requested change to the minutes of March 2<sup>nd</sup> and with the removal of the resolution calling for the decommissioning of all nuclear power plants on the California coast for discussion.

AYE: All

Adoption of Resolution No. 1123 calling for the decommissioning of all nuclear power plants on the California coast - Tremaine

Councilmember Tremaine presented a report on the proposed resolution which he explained was prompted by the recent disaster in Japan. He stated that California had more energy generated than was needed into the year 2020; that we didn't need the nuclear energy; that there was a high probability of an earthquake at the sites of the two nuclear plants in California; and that he would be putting forward a similar resolution for adoption at the next Marin Energy Authority Board meeting with a request to other board members to do the same with their individual councils.

Mayor Bragman stated that the nuclear industry was subsidized by the Federal Government with loan guarantees and asked to have wording added to the resolution at the end of the final "Whereas" to read, "nor is it financially sustainable without massive government loan guarantees from Federal taxpayers."

Mayor Bragman opened the discussion to the public.

Valeri Hood, Dominga Ave., stated that cancer clusters had been documented near nuclear power plants as reported by a former employee of Lawrence Livermore Lab; that there was a need to look at the dangers of outgassing; that nuclear plants didn't have to report all the accidents that happened; and that there was a lot of information available on the subject.

Barbara George asked about possibly fining PG&E for contaminating the water supply with radioactivity.

Yvette Wakefield, Main Court, reported on a research scientist who had stated that the only way they had been able to produce breast cancer in lab mice was with radiation.

Rebekkah Collins asked about what was included in the "nuclear free zone."

Mayor Bragman stated that he would be intervening in Barbara George's petition with CPUC but that everything couldn't be included in the resolution.

M/S, Tremaine/Hartwell-Herrero, Motion to adopt the resolution with the additional language suggested with a request to send copies to Assemblyman Huffman, Governor Brown, the President of the CPUC, and Senator Leno.

AYES: All

## **PUBLIC HEARINGS**

### **Introduction and First Reading of Ordinance No. 754, an Ordinance of the Town Council of the Town of Fairfax amending the Town's smoking ordinance to provide Clean Indoor Air and Health Protection including the Regulation of the Exposure to Smoke in Multi-Unit Apartment Buildings – Bragman**

Mayor Bragman introduced the item. He stated that the issue had already been before the Council a few times; that community meetings on the subject had been held; that the ordinance would reduce smoking in multi-unit apartment buildings in Fairfax; that second- and third-hand smoke could have profound negative impacts on non-smokers; that the ordinance was directed at multi-unit apartments with four or more units; that it would require large apartment complexes to set aside 75% units as non-smoking separating them as much as possible; that it was a health equity issue; that it would preserve smoking units but would provide non-smokers who were renters with protection from second- and third-hand smoke; that it included a ban on smoking at the entrances of commercial buildings with the exception of the bars in Fairfax; and that it also banned smoking in the Town's parks.

Councilmember Tremaine stated that Mayor Bragman had done a great job of making it a sane ordinance; that it had a very measured approach which addressed the issue without denying people's rights; and that he had crafted a very good document that he would vote for.

Mayor Bragman opened the public hearing.

Yvette Wakefield stated that the proposed ordinance didn't mention anything about bus stops, described problems she had encountered with her neighbor who smoked outside her apartment, and asked the Council to make the ordinance tougher.

Valeri Hood, Dominga Ave., asked if the ordinance could apply to "shared living space." She stated that the outside smoking area at Peri's spread smoke to the Thai Restaurant and over the parking lot.

Diane Hoffman, Porteous Ave., stated that she thought it was a good thing that the Council was addressing smoking as well as radiation, that smokers were making other people sick, and suggested that the ordinance be made stronger.

Harmony Sakai, a tenant at Sherwood Oaks, thanked Mayor Bragman for bringing the ordinance forward; stated that children couldn't protect themselves and depended on responsible adults to do it for them when it came to smoking; and thanked the Council on behalf of her children and all the other children.

Stacy Anderson, Redwood Road, stated that 90% of Marinites were non-smokers; that the Larkspur, San Anselmo and Novato ordinances were more stringent than the one proposed for Fairfax; that Fairfax was an entertainment town but that she couldn't go out in Fairfax because of the smoke; and she echoed the concern expressed by the previous speaker about the smoke at Peri's outside patio.

Veronica del Rio, manager of Sherwood Oaks Apartments, stated that she had been involved in the issue, that the ordinance would empower her to enforce it at her site, and she thanked the Council for supporting it.

Bob Curry, Health and Human Services Dept., Smoke-Free Marin Director, thanked the Mayor for working on the ordinance for almost three years; stated that it was for the protection of the people of Fairfax; and he offered his support to the Town with the implementation of the ordinance. He introduced Elizabeth Emerson, who had been working on tobacco control for over 20 years and still helped as a consultant; Pam Granger from American Lung Association, with territory from Santa Cruz to Del Norte County, who had worked on the ordinance; as well as Judith Lorenzo and Shea who had also helped the effort. He further stated that his organization had provided decals for doorways to advertise the no smoking within 20 feet regulation; that they were not against smokers but were trying to protect non-smokers; that they wanted to help people quit smoking; that cessation classes were listed on their Web site; and that they would help in any way they could.

Stan Rosenfeld, Fairfax resident, stated that he lived in a multi-unit building, that his neighbor smoked outside, and urged the Council to vote for the ordinance.

Matt Jacobs expressed agreement with the other speakers about smoke coming in the windows and urged the Council to adopt the ordinance.

Jonathan Plant, Cascade Drive, originally from North Carolina, stated that they had made great progress on the issue in North Carolina but that California was more progressive; congratulated Fairfax on the ordinance; and urged the Council to pursue the smoke-free entryways at the bars even if there was push back.

Anya Schandler, Barker Road, thanked the Council for the ordinance and encouraged them to vote for it and noted that cigarette smoke was very toxic for her.

Pam Granger, American Lung Association, stated that if there was consistency with the law, there was more compliance. She further stated that, since the 2006 report by the Surgeon General that there was no safe level of exposure to cigarette smoke, there had been more efforts to control exposure; and she offered her help.

Elizabeth Emerson, Smoke Free Marin Coalition, stated that she was very happy that the ordinance was finally before them; that she had worked on the smoking ordinance in Fairfax in the 90's; that it was good when teenagers didn't see people modeling smoking; that Charles McGlashan had said that one of the reasons he supported the ordinance was because of the toxic nature of the cigarette trash created; and she showed the Council small portable ashtray samples.

Mark Bell, Dominga Ave., agreed with Lew that it was a rational law and compared it with the extreme measures taken by the College of Marin; suggested that Peri's install an air treatment system to reduce the smoke; stated that he was a smoker and didn't like the demonizing of smokers; noted other sources of toxins in clothes from cleaners; that smokers were an easier target; and that there were many other toxins that he tolerated.

Sierra Salin, Cascade Drive, stated that it was hard to avoid cigarette smoke and that he didn't like breathing it.

Councilmember Tremaine stated that he didn't think that the bars should be exempt from the entryway provisions and that the Town could work with the bars to get the smokers to move away from the sidewalks.

Councilmember Reed agreed with Councilmember Tremaine about including the doorways in bars in the ordinance; stated that there was technology to help with the dispersion of the smoke;

and stated that bars shouldn't be exempt from the doorway restriction.

Vice Mayor Hartwell-Herrero stated that the ordinance would give landlords the option to make their buildings smoke free and that it was hard to control what people did on their balconies or patios.

Mayor Bragman stated that Fairfax was mature enough as a community to take responsibility to clean it up and eliminate a risk; that he was glad that Councilmember Tremaine had found it to be a sensible ordinance; and suggested that the phrase "bars are excluded from this provision" be eliminated from the ordinance.

Councilmember Tremaine suggested that the language "the entrance to outdoor decks or patios in bars are excluded from this provision" be added to the ordinance; and suggested that the Town could work with the bar owners to mitigate the smoke.

Mayor Bragman stated that he wanted to keep the ordinance apartment complex restrictions applicable to buildings with four or more units and that the ordinance language needed to be carefully crafted and reviewed.

M/S, Bragman/Tremaine, Motion to waive further reading of Ordinance No. 754 as amended, an Ordinance of the Town Council of the Town of Fairfax amending the Town's smoking ordinance to provide Clean Indoor Air and Health Protection including the Regulation of the Exposure to Smoke in Multi-Unit Apartment Buildings.

AYES: All

M/S, Reed/Tremaine, Motion to adopt Ordinance No. 754 as amended, an Ordinance of the Town Council of the Town of Fairfax amending the Town's smoking ordinance to provide Clean Indoor Air and Health Protection including the Regulation of the Exposure to Smoke in Multi-Unit Apartment Buildings.

AYES: All

Mayor Bragman adjourned the meeting for a break from 9:22 p.m. to 9:40 p.m.

Approval of Invitation to Ross Valley Sanitary District to Discuss Proposed Rate Increase, Sewage Spills/Reporting, and Consolidation Efforts at June Council Meeting - Weinsoff

Councilmember Weinsoff presented a report. He suggested that the Council respond to the April 13<sup>th</sup> letter about the appointment of a liaison from the Sanitary District by thanking them and extending an invitation to have them come to the June 1<sup>st</sup> meeting to discuss the proposed rate increase, the recent spills and the efforts to consider consolidation of other sewer agencies.

Mayor Bragman opened the discussion to the public.

Pam Meigs, Ross Valley Sanitary District Board member; stated that she wanted the dialogue to be open and clear and wanted to educate the public; that they had not decided on the rates, that it was still just a proposal; that the next meeting of the Sanitary Board was scheduled for May 18<sup>th</sup> when they would look at the budget again for possible reductions before they went forward with a rate increase; that they wanted the public to attend the meetings; that she was not happy about the possible raising of the rates; and that they had an aggressive capital improvement program that would be costly.

Frank Egger, new Ross Valley Sanitary Board member, stated that it was an intriguing operation, that the district was comprised of about 50,000 residents, and that Fairfax had three representatives on the board. He further stated that he was happy that the Council was open to the dialogue; that a \$520 to \$904 rate increase had been recommended by management; that \$697 was what the board had requested; that it was a one-year proposal; that he was hoping to get it down to a \$600 maximum increase; and that a single purpose agency was a change for him. He reported that the Sanitary District had just purchased six new vehicles and that the Town might end up with two people as the liaisons to make sure someone could attend Council meetings.

Mark Bell, Dominga Ave., reported that he had attended the Sanitary District Board meeting the previous night and they needed people from Fairfax to give them a new reality.

There was a consensus of the Council to have Councilmember Weinsoff draft a letter to the Manager of the Ross Valley Sanitary District as requested.

Introduction and First Reading of Ordinance No. 759, an Ordinance of the Town Council of the Town of Fairfax regulating the location, number and operation of medical marijuana dispensaries in the Central Commercial (CC), Highway Commercial (CH), Limited Commercial (CL) Districts of the Town – Planning

Mayor Bragman recused himself because of legal services he provided to Marin Alliance.

Planning Director Moore presented the staff report. He noted that language had been added to the draft ordinance to include the current dispensary and that edits had been made to Section "G" on Page Six of the draft ordinance after conferring with Roy Clarke, acting Town Attorney.

There was discussion about a tenant getting bumped for a higher paying renter. It was explained that Staff was crafting a criteria sheet at the staff level to rank the applicants based on language used in other jurisdictions.

Councilmember Tremaine suggested the addition of language to have preference given to local ownership. Councilmember Reed expressed concern that a dispensary could displace an existing business.

Acting Town Attorney Clarke suggested that the Council allow Staff to craft the wording for the Council's consideration.

Vice Mayor Hartwell-Herrero opened the public hearing.

Valeri Hood, Dominga Ave., expressed concern about allowing more dispensaries.

Carol Dehally, Bothin Road, suggested the use of a merit based application in the process.

Lynette Shaw, Marin Alliance, stated that she was honored that Marin Alliance had become a model for other dispensaries; reported Town's requirements for over 13 years; and that they were fighting a legal battle currently with the IRS.

Larry Bragman, Hickory Road, posed some questions about auditing the medical records and how to verify the records while protecting the patients. He suggested that the Town could appoint an accountant or a physician to verify the records to retain the privacy of the patients and noted that there was a stigma attached to being a patient.

Craig Litwin, Sebastopol, stated that anything could be added to protect the patients' privacy

without harm.

Lynette Shaw, Marin Alliance, objected to the language referring to the inspection of records by the Police Chief.

Rebekkah Collins, Monte Vista, Fairfax, stated that medical marijuana was the only thing that helped her sister's pain from cancer and asked that the Town select the most professional organization available and that the product be grown in an organic sustainable local way.

Matthew, of Medicon, thanked staff for their time and attention.

George Bianchini, stated that the State identification card was hard to get and cost \$100; that doctors could not prescribe marijuana but they could recommend its use so there were no medical records to verify; and that the doctor's recommendation was the only document and it didn't include information about a patient's medical condition. He suggested that some of the procedure suggested could be unnecessary.

Vice Mayor Hartwell-Herrero stated that a valid California photo identification and physician's recommendation should be required.

Sierra Salin stated that medical marijuana had come a long way.

Lynette Shaw, Marin Alliance, stated that they used a four page intake form that did include medical information on patients.

Barbara George stated that it was great that the Town was considering the ordinance. She suggested that language be added that applicants demonstrate a commitment to the community and that it shouldn't be first come first served.

Vice Mayor Hartwell-Herrero closed the public hearing.

M/S, Weinsoff/Tremaine, Motion to waive further reading of Ordinance No. 759 as amended, an Ordinance of the Town Council of the Town of Fairfax regulating the location, number and operation of medical marijuana dispensaries in the Central Commercial (CC), Highway Commercial (CH), Limited Commercial (CL) Districts of the Town.

AYES: Hartwell-Herrero, Reed, Tremaine, Weinsoff  
NOES: None  
RECUSED: Bragman

M/S, Weinsoff/Tremaine, Motion to introduce Ordinance No. 759 as amended, an Ordinance of the Town Council of the Town of Fairfax regulating the location, number and operation of medical marijuana dispensaries in the Central Commercial (CC), Highway Commercial (CH), Limited Commercial (CL) Districts of the Town.

AYES: Hartwell-Herrero, Reed, Tremaine, Weinsoff  
NOES: None  
RECUSED: Bragman

Second Reading and Adoption of Ordinance No. 760, An Ordinance of the Town Council of the Town of Fairfax extending Interim Ordinance No. 753, an Interim Ordinance of the Town Council of the Town of Fairfax prohibiting the establishment of new medical marijuana dispensaries in any zoning district within the Town – Planning

Mayor Bragman recused himself because of legal services he provided to Marin Alliance.

Planning Director Moore presented the staff report.

M/S, Tremaine/Weinsoff, Motion to waive further reading and to read the title only of Ordinance No. 753, an Interim Ordinance of the Town Council of the Town of Fairfax prohibiting the establishment of new medical marijuana dispensaries in any zoning district within the Town.

AYES: Hartwell-Herrero, Reed, Tremaine, Weinsoff  
NOES: None  
RECUSED: Bragman

M/S, Tremaine/Weinsoff, Motion to adopt Ordinance No. 753, an Interim Ordinance of the Town Council of the Town of Fairfax prohibiting the establishment of new medical marijuana dispensaries in any zoning district within the Town.

AYES: Hartwell-Herrero, Reed, Tremaine, Weinsoff  
NOES: None  
RECUSED: Bragman

The Town Council reviewed the agenda at 10:20 p.m.

Introduction and First Reading of Ordinance No. 761, extending the Moratorium on the Installation of Smart Meters and Related Equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax – Bragman

Mayor Bragman presented a report on the reasons for extending the ordinance and stated that, without relief from the CPUC, there was no recourse but to continue the ban.

Mayor Bragman opened the public hearing.

M/S, Tremaine/Hartwell-Herrero, Motion to waive further reading and to read the title only of Ordinance No. 761, extending the Moratorium on the Installation of Smart Meters and Related Equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax.

AYES: All

M/S, Tremaine/Hartwell-Herrero, Motion to introduce Ordinance No. 761 extending the Moratorium on the Installation of Smart Meters and Related Equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax.

AYES : All

Discussion/Consideration of possible actions regarding the Town's bank accounts in light of banking foreclosure and loan practices – Reed

Councilmember Weinsoff recused himself because of bank related litigation in his law practice.

Councilmember Reed noted that the Council had sent letters to the five largest American banking institutions requesting changes to their policies on loan modifications. He stated that the Bank of America was one of those banks and that the Town had many of its funds in the Fairfax branch.

The Council discussed local banking options and past practices.

Mayor Bragman suggested that the Bank of Marin be used for Town accounts; stated that any bank used would have to be FDIC insured; and that he was not sure about the personal relationships and the convenience factors involved in using an out of Town bank. He spoke about the possible formation of a State chartered bank for California; noted that North Dakota had operated a State chartered bank for decades; that North Dakota was one of a few states that did not have a deficit; that there was legislation pending to establish a committee to explore the possibility of a state chartered bank in California; and stated that a resolution would be forthcoming in support of such legislation.

Mayor Bragman opened the discussion to the public.

Sierra Salin, Cascade Drive, stated that most banks were unconscionable predators; that he supported small local banks; and he related an incident where the Bank of America wanted to charge him \$5 to cash a town check.

There was a consensus of the Council to have staff prepare a report on the banking options for the Town.

Discussion of proposed expansion project at Spirit Rock and possible impact on Fairfax – Planning

Planning Director Moore presented a report and noted that the original master plan for Spirit Rock could be modified, that it might not be possible to limit the number of visitors, but that the project might be relocated to a less sensitive site.

Brian Schwartz, Representative from Spirit Rock, presented an overview of the history of the Spirit Rock project and their plans to develop the property. He assured the Council that nothing they were proposing would increase the use of the property and that they were selling tranquility and wanted to protect the environment.

Mayor Bragman stated that future carpooling might not work with the decrease in parking spaces in Fairfax and noted that the main issue raised at a previous meeting by Jean Berensmeyer was the traffic that would be produced by increased numbers allowed at Spirit Rock. He suggested that perhaps a shuttle service could be added to the plan and the Town could cooperate with that concept.

Mr. Schwartz offered to make a presentation to the Council on the entire project.

There was a consensus of the Council that a presentation wasn't necessary but that they would like to receive information on the project.

In response to a question from Councilmember Reed about how moving buildings away from the creek might make them visible from Sir Francis Drake (SFD), Mr. Schwartz stated that adjustments had been made so that the buildings wouldn't be seen from SFD.

Councilmember Reed also suggested that adjustments be made to the intersection of Railroad Avenue with SFD so that drivers could make a u-turn rather than going through Woodacre.

Introduction and First Reading of Ordinance No. 762, An Ordinance of the Town Council of the Town of Fairfax Amending Section 5.16.130 of the Fairfax Town Code to Remove Real Estate Agents from Business License Fee Obligations – Town Clerk

Town Clerk Anderson presented the staff report.

M/S, Tremaine/Reed, Motion to waive further reading and to read the title only of Ordinance No. 762, An Ordinance of the Town Council of the Town of Fairfax Amending Section 5.16.130 of the Fairfax Town Code to Remove Real Estate Agents from Business License Fee Obligations.

AYES: All

M/S, Tremaine/Reed, Motion to introduce Ordinance No. 762, An Ordinance of the Town Council of the Town of Fairfax Amending Section 5.16.130 of the Fairfax Town Code to Remove Real Estate Agents from Business License Fee Obligations.

AYES: All

Discussion and consideration of Measure I Youth Work Grants – Bragman/Hartwell-Herrero

Vice Mayor Hartwell-Herrero presented the report and the proposal to allocate a portion of the remaining Measure I youth funding for grants to local youth based on criteria developed by the Youth Commission.

Councilmember Tremaine stated that he would like to see the criteria once developed.

M/S, Tremaine/Hartwell-Herrero, Motion to use \$1500 of remaining Measure I funds for youth work grants with criteria to be developed by the Fairfax Youth Commission, with the selection process administered by the Youth Commission and awarded by the Town Council.

AYES: All

Discussion of Citizens Redistricting Commission Public Input Hearing Saturday, May 21, 2011, Oakland City Council Chambers – Hartwell-Herrero

Vice Mayor Hartwell-Herrero presented the report on the issue. She suggested that a Council member attend one of the scheduled hearings and/or draft a letter from the Council urging that Marin be in the same district as Sonoma County.

There was a consensus of the Council to have Vice Mayor Hartwell-Herrero draft a letter for the Mayor to sign.

The meeting was adjourned at 11:35 p.m. in memory of Reg Hansen.