

Excerpt from November 2, 2011 Minutes with suggested additional language in bold. Minutes to be approved with this language added.

Marla Hedland, Appellant, asked if there was any way to lift the red tag and pour the foundation and whether or not they could build the walls and make the structure waterproof while they went through the process, and that she was asking for leniency as a hardship case.

Town Attorney Karpiak stated that at issue was the 50% remodel requirements and whether or not they could meet the standards.

Vice Mayor Hartwell-Herrero asked if there was a way to remedy the situation, perhaps by making exceptions to the three requirements for a 50% remodel.

Town Attorney Karpiak stated that it would be hard to exempt the flood hazard.

Mayor Bragman stated that, at the minimum, the appellants needed to apply for permits. He further stated that he had been through the process and it had been frustrating but they followed the rules.

Marla Hedland, appellant, stated that they had never hidden what they were doing and had told the Town all along what their plans were.

Mayor Bragman stated that, if the appellant's attorney was correct, that it would be easier for them to move forward; that the rules were there for a purpose; that he had lived on Wood Lane and knew that there was flooding there; that he had gone out to the property and found that the wiring, plumbing and the walls were gone; that it was clearly more than a 50% remodel; and that they had to go back to get further permits.

Councilmember Weinsoff stated to the appellant that they had an obligation to get permits; that there were two protections involved, one to the homeowner and the other to the neighbors, for health and safety. He stated that the Council was trying to find out how to accelerate the process for them.

Councilmember Reed stated that he felt for them, and that the Town had lots of houses like theirs, including his own. He further stated that the physical reality was that these houses weren't built properly; that the rules couldn't be ignored; and that it was already over 50% before any improvements were made.

Marla Hedland, appellant, referred to the 10-foot strip of land next to the property that could be used to increase the side-yard setback dimensions.

Councilmember Reed described efforts that he had been involved in with the Town to map all the right-of-ways in town for emergency access and for firefighting purposes. He stated that he was familiar with the 10-foot strip of land described and that it was public right-of-way to be used for access and for exit during a wildfire. **He further stated that the easement connected Wood Lane to Fawn Ridge and was important for just walking around Town.**

Mayor Bragman opened the public hearing.

Jackie Phelan, Wood Lane, neighbor of the appellants, stated that the rule in Marin was to replace cottages with mansions and that she was delighted that the appellants intended to keep

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, November 2, 2011

The regular meeting was preceded by a Closed Session from 6:30 p.m. to 7:00 p.m. for a Conference with Legal Council regarding Fairfax v. Berg and possible initiation of litigation in one case.

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 Karpiak, Town Attorney
Mike Vivrette, Finance Director
Jim Moore, Planning Director
Linda Neal, Senior Planner
Mark Lockaby, Building Official
Chris Morin, Chief of Police
Judy Anderson, Town Clerk

Mayor Bragman called the meeting to order at 7:10 pm.

Approval of Agenda and Affidavit of Posting

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

AYES: All

Announcement of Closed Session Action

Mayor Bragman reported that they had received a report on the appeal that had been filed in Fairfax v. Berg and gave instruction to Counsel and that they had met with the Town Attorney on the possible initiation of litigation and were considering that matter.

Announcements

Mayor Bragman made the announcements as they appeared on the agenda and noted that the hours for the Food Pantry at the Community Church had been changed to 9:00 a.m. to 11:00 a.m. and that the address of the church was not correct in the printed announcements. He also announced a vacancy for the Fairfax representative to the Marin Sonoma Mosquito Abatement District.

Open Time

Buff Bradley, a new resident of Fairfax with his wife, asked if any Fairfax police officers participated in the action in Oakland on October 25th.

Chief Morin responded that no Fairfax officers had participated.

Katie Hallou of Strawberry asked the Town Council to consider having the merchants charge five cents for paper bags as a dis-incentive for paper bag use. She reported that she had been working to make plastic bag ordinances consistent throughout the County and that a key part of the ordinances being considered was to allow the retailers to charge five cents for paper bags.

A person representing Green Sangha seconded the request to pass such an ordinance to add the five-cent fee to discourage people from using paper bags

Jory Prum, Frustuck Ave., requested that the financial reports be removed from the Consent Calendar for discussion.

Chris Lang, Canyon Road, stated that a row of trees was cut down near 75 Canyon and asked who was responsible for leaving logs along the road.

George Roberts, a representative of a small medical marijuana clinic interested in locating in Fairfax, objected to the designation of the Montessori School on Mono as a school when their research had shown that it was a childcare facility.

Presentation on the Marin Municipal Water District Deer Park Revitalization Project, Mike Swezy, MMWD - Weinsoff.

Mike Swezy MMWD Watershed Manager, was introduced by Councilmember Weinsoff who explained that the project was part of a grant application.

Mr. Swezy explained the jurisdiction of MMWD; stated that the grant would be for almost half a million dollars; that most of the work would be done in 2013; reviewed the history of the park noting that it was a County Park until 2008 when the lease expired and MMWD took it back; that the picnic area had been installed in the 1930's and included photos that showed the deteriorated condition of the picnic area and the parking lot; described the planned improvements including new picnic tables and a permeable surface in the parking lot; stated that they had used the Leo Cronin Fish Viewing Area as a model for the planned improvements; that the replacement of the driveway with a permeable service was the most expensive part of project; that they would be replacing non-native plants; that the Conservation Corps was a partner in the proposed project; that an informational kiosk would be installed at the trailhead; and that the project was intended to make it safer, more useful, and to restore habitat,

Mayor Bragman suggested that perhaps the issue of the fireflow to the school could be addressed when the project was underway.

Mike Swezy responded that they were working on fireflow issues with the County Fire chiefs.

Chris Lang, Canyon Road, asked about the access route for mountain bikes that was proposed on the other side of the creek, suggested that the proposed new bridge be multi-use, and noted that the permeable surface would require maintenance.

Mr. Swezy stated that the MMWD policies didn't allow bikes on that trail.

Mr. Lang asked that bikes be allowed to go up the other side.

Council Reports and Comments

Councilmember Weinsoff reported on his attendance at the MCCMC Legislative Committee and noted that State revenue would be less than anticipated which would trigger reductions. He also reported on his attendance at the monthly MCCMC meeting that included speakers on the America's Cup.

Vice Mayor Hartwell-Herrero reported on her participation in the bike and walk to school event at Manor School including serving as an official witness to the setting of a jumping jack record by Manor students; on her attendance at Zero Waste meetings; on her attendance at a Cittaslow meeting and participation in related calls and meetings; on her attendance at the swearing in of new Supervisor Katie Rice; and announced that she was leaving Sustainable Fairfax for employment with Tara Firma Farms in Petaluma.

Councilmember Tremaine reported on his attendance at the Marin Energy Authority (MEA) and stated that Marin County was united in membership, all municipalities finally included; that the new customers would be joining in 2012; that the MEA was continuing their efforts to move forward with adding the City of Richmond to the MEA; that AB1790, also called the McGlashan legislation, gave greater definition to what "cooperation" meant; that the Fire Board continued to make progress in adding Ross as a member; and that Ross was taking one last look at Kentfield Fire District to provide their services.

Councilmember Reed reported on his attendance at Fairbucks meetings, the Bike and Walk to School event, and a Transportation Authority of Marin (TAM) meeting.

Mayor Bragman reported that he had attended the TAM meeting where \$110,000 was approved for the Fairfax Bike Spine project for improved signs and colored street markings for students who biked to school; and stated that the project was expected to be approved by the Air Quality Board with implementation in the Spring. He reported on his attendance at a Marin Telecommunications Agency (MTA) meeting, a Paramedic Authority meeting, a meeting at the Community Media Center as MTA's representative, and the world record for jumping jacks event at Manor School with Vice Mayor Hartwell-Herrero and Councilmember Reed.

Town Manager Rock reported that staff was preparing a Request for Proposals for banking services for the Town with the hope that it would be before the Council for approval in December.

CONSENT CALENDAR

Approval of Town Council minutes for the October 5, 2011 meetings - Town Clerk

Approval of Financial reports for July, 2011 – Finance

Approval of Town Council meeting schedule for 2012 and closure of Town offices from December 27 to December 30, 2011 – Town Manager

Adoption of Resolution No. 11-56, a Resolution of the Town Council of the Town of Fairfax in support of Establishing a State of California Investment Bank – Reed

Adoption of Resolution No. 11-57 a Resolution of the Town Council of the Town of Fairfax in support of Congresswoman Woolsey's HR 192, Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act – Bragman

Jory Prum, Wreden Ave., stated that one line item on the "Expenditure Detail by Fund" showed an incorrect percentage of budget number and questioned the validity of other numbers in the financial reports.

Finance Director Vivrette, responded and stated that he would review the figures and that the error was in the formula applied.

Michael Mackintosh, Pastori Ave., asked if the Town's accounts were on a cash basis or on an accrual basis.

Finance Director Vivrette responded that, for the purpose of the monthly reports, they were on a cash basis and that the audits were on an accrual basis.

Councilmember Weinsoff stated that Fairfax had too small of a staff to ensure on a monthly basis the absolute numbers; that the end of the year report was the most accurate reconciliation; and that the monthly reports provided only a snapshot.

Jory Prum, Wreden Ave., stated that the report for July should have been made available much sooner and that there were errors in the report.

Councilmember Weinsoff asked for a correction to the October 4th minutes to indicate that Poet Kay Ryan was sent a letter as acknowledgment of her receipt of a MacArthur award, not the Pulitzer Prize.

M/S, Tremaine/Weinsoff, Motion to adopt the Consent Calendar with the suggested correction to the October 5th minutes.

AYES: All

132 Wood Lane; Appeal of "Stop Work Order" issued due to the project going beyond the scope of permits issued for repair of an existing single-family residence. Under the Town Code, a 50% Substantial Remodel requires additional discretionary permits: Assessor's Parcel No. 002-061-11; Residential Single-Family RS-6 Zone District; John Hedlund, owner/appellant; CEQA categorically exempt, § 15303(a) – Planning

Planning Director Moore presented the staff report and recommended denial of the appeal.

Appellant Marla Hedland and the project contractor addressed the Town Council. Ms. Hedland stated that she had 15-month-old twins, that her husband had been out of work for a couple of years; that the house was rat-infested and falling apart when they purchased it; and that they thought they were doing the right thing with the work they had done on the house.

Glen Fries, the Project Contractor stated that he saw that the house was in bad shape; that they couldn't lift the house; that the old portion was rotting; that as they started taking things apart they had to remove walls and the joists just fell apart; that they looked at the foundation and it was crumbling and had no rebar; that they called a structural engineer for advice; that the project was moving forward; and that they wanted to restore the house as soon as possible.

Councilmember Tremaine asked Planning Director Moore for his opinion on the path of least resistance to get the project back on track.

Planning Director Moore stated that the appellants had to decide whether they wanted to rebuild

the structure the way it was or add to the structure and make improvements that would require discretionary permits; that they should look at the long-range goal and decide what they wanted to do; that the house was essentially a tear-down, a 100% remodel; that it would be better to go through the required review; and that staff wanted to help them get the house of their dreams.

Marla Hedland, Appellant, stated that they were planning to do it in stages; that they weren't asking for a massive house; that they had to wait until they could afford it; and that they wanted to replace what they had.

Glen Fries, Project Contractor, stated that they were going to gut the downstairs; that the walls could be in different places with a foundation that could support a second story; that the second story was for the future; that there was a preliminary plan for a first and second story; that the architect had submitted the second floor plan with the first floor plan; and that the Appellant had always been clear that they would move the walls downstairs.

Planning Director Moore stated that the two building permits that were applied for didn't include the work that had been done; that it was a 50% remodel that required discretionary permits; and that the permits issued did not allow for the work that had been done.

Councilmember Tremaine stated that the appellant had gone ahead and done work that wasn't permitted; that the appellant needed to go back to Town Hall and talk to staff to find out what path to take to get what they wanted; and that there was no latitude to allow anything other than what was on the permit.

Marla Hedland, appellant, stated that their attorney had brought up issues about the Town's determination that the project was a 50% remodel including that the property next door included unclaimed land of 10 feet in width that would change the setbacks.

Councilmember Tremaine stated that the 50% remodel issue could be addressed with staff and the attorneys but that they had worked beyond the scope of the permits issued which resulted in the stop work order.

Town Attorney Karpiak, at the request of Councilmember Weinsoff, responded to the Appellant's Attorney's argument that the project wasn't a 50% remodel. He explained that the Town Code provided that the project would be allowed to exceed a 50% remodel if three requirements could be met: (1) that the required parking was provided; (2) that it wouldn't create a new non-conformity; and (3) that it wasn't in the flood zone. He stated that the Appellant's attorney argued that the parking was provided and that the project met the criteria.

Planning Director Moore stated that there was parking but that it was substandard; that strength was added to the first floor which could be considered an increased non-conformity; that there was also the non-conforming cottage that the appellants were living in; and that the property was in the flood zone.

Councilmember Weinsoff suggested that if the Appellant's attorney wished to have dialog on the issues, that he should contact staff and stated that building permits were absolutely critical.

Glen Fries, Project Contractor, stated that permits had been secured and that the appellant kept informing the Town of his plans and that there had been back and forth during the process; that plans had been submitted to do the remodel; and that it was almost being implied that they weren't following the rules, when the appellant had been given information indicating that he was going along the right path.

Councilmember Weinsoff asked how fast the staff could process an application for the project and encouraged the appellant to work with staff to complete an application and begin the process.

Planning Director Moore stated that they needed to receive a completed application which would then be routed to other agencies and that the application had to be processed within six months by State law. He estimated that the fastest it could be processed would be four months from the receipt of a complete application.

Marla Hedland, Appellant, asked if there was any way to lift the red tag and pour the foundation and whether or not they could build the walls and make the structure waterproof while they went through the process, and that she was asking for leniency as a hardship case.

Town Attorney Karpiak stated that at issue was the 50% remodel requirements and whether or not they could meet the standards.

Vice Mayor Hartwell-Herrero asked if there was a way to remedy the situation, perhaps by making exceptions to the three requirements for a 50% remodel.

Town Attorney Karpiak stated that it would be hard to exempt the flood hazard.

Mayor Bragman stated that, at the minimum, the appellants needed to apply for permits. He further stated that he had been through the process and it had been frustrating but they followed the rules.

Marla Hedland, appellant, stated that they had never hidden what they were doing and had told the Town all along what their plans were.

Mayor Bragman stated that, if the appellant's attorney was correct, that it would be easier for them to move forward; that the rules were there for a purpose; that he had lived on Wood Lane and knew that there was flooding there; that he had gone out to the property and found that the wiring, plumbing and the walls were gone; that it was clearly more than a 50% remodel; and that they had to go back to get further permits.

Councilmember Weinsoff stated to the appellant that they had an obligation to get permits; that there were two protections involved, one to the homeowner and the other to the neighbors, for health and safety. He stated that the Council was trying to find out how to accelerate the process for them.

Councilmember Reed stated that he felt for them, and that the Town had lots of houses like theirs, including his own. He further stated that the physical reality was that these houses weren't built properly; that the rules couldn't be ignored; and that it was already over 50% before any improvements were made.

Marla Hedland, appellant, referred to the 10-foot strip of land next to the property that could be used to increase the side-yard setback dimensions.

Councilmember Reed described efforts that he had been involved in with the Town to map all the right-of-ways in town for emergency access and for firefighting purposes. He stated that he was familiar with the 10-foot strip of land described and that it was public right-of-way to be used for access and for exit during a wildfire. **He further stated that the easement connected Wood Lane to Fawn Ridge and was important for just walking around Town.**

Mayor Bragman opened the public hearing.

Jackie Phelan, Wood Lane, neighbor of the appellants, stated that the rule in Marin was to replace cottages with mansions and that she was delighted that the appellants intended to keep the house the same while they lived in it; that it sounded like the 50% remodel rules were the problem; that maybe the criteria could be met and the project moved forward; that she and her husband and another neighbor supported the appellant; and that she wouldn't want to live in a laundry room with twins for four to six months.

Jim McDermott stated that he ran the stable next door, and had known the Perry's, the former owners of the home and thanked the Town Council and staff for agreeing to fast-track the project and get the family into the house as soon as possible.

Michael Mackintosh, Pastori Ave., stated that he had a big interest in the Town; that the correspondence between the Town and the applicants to reach compliance could take a long time; that he believed the Town had the most agreeable building department in eight years under Jim Moore to get something done; didn't want the Town to make exceptions for one applicant at the expense of someone else; recommended that the appellants withdraw the appeal and work with an intermediary to resolve the issues which could save money and help make friends; and that the Council could appoint someone in this capacity.

Joanne Black, Wood Lane, stated that she and her husband lived across from the appellants and that they were good people and asked that they all work together and that the show compassion.

Ryan O'Neil, Madrone Road, stated that "an ounce of prevention for a pound of cure" was a phrase he used at work; suggested that the Town should provide residents with a copy of the rules when they moved into town or when they bought property about the process to remove trees, etc., and suggested that it would be a simple and inexpensive way to let people know the process.

Mayor Bragman closed the public hearing.

M/S, Tremaine/Bragman, Motion to deny the appeal based on the findings in the draft resolution presented.

AYES: All

John Hedlund arrived at the meeting and apologized for his late arrival. He stated that he was not sure what history had been given; that they had moved to Fairfax because they were embedded in the community; that he was coaching at Drake High School; that they had decided to move to Fairfax to raise their family; that he knew the property would take a lot of work; that he was not an expert and always tried to do the right thing; that he had tried to be open and forthright to building and planning; that they were shocked to receive the red tag; that they had done everything they could to sit down with the planning and building department and work things out; that he had been told by staff that their hands were tied and that they would do everything they could to support the granting of the appeal; that he was told that mistakes were made and that these mistakes would be revealed to the Town Council; that it was frustrating and he was amazed at what he had heard when they were doing their best to do the right thing; that what happened at the meeting with staff was completely different than what had been presented to the Town Council; that they believed they had done everything they could and had been told that the Council would support the appeal; that from his experience with other organizations, their treatment was just not right; and that he had expected a different outcome.

Mayor Bragman adjourned the meeting from 9:20 p.m. to 9:32 for a break.

Approval of franchise agreement with Marin Sanitary – Zero Waste Committee

Town Manager Rock presented a staff report and noted that Exhibit "C" regarding rates was not attached and would be considered at the December 7th meeting.

Mayor Bragman stated that it had taken a long time to develop the agreement; that he had been involved with the process for four years; that they had reached an impasse and had gotten back to work six months previous; that both sides had moved from their original positions; that it had been a great opportunity to work together and create a very innovative contract with a very innovative company as they took on the myriad of items covered in this agreement; that he especially appreciated the brush clearing service that Marin Sanitary would provide; that Vice Mayor Hartwell-Herrero's sustainability perspective had been invaluable; and noted an error in the agreement on the rate consideration in the method of allocation that read "may" instead of "shall," which Town Manager Rock explained was a typographical error and would be corrected on the final copy.

Vice Mayor Hartwell-Herrero thanked Marin Sanitary and the Council for their patience; stated that she had come to the process from a sustainability perspective, not as an attorney; that the agreement included a vision of the future which was Zero Waste; that the agreement included community events, education and a push to meet the Zero Waste by 2020 goal set in the past by the Town with a 94% goal that met the spirit of the earlier goal. She noted that a commercial food waste component wasn't included in the agreement but understood that it would come later.

Town Manager Rock thanked Marin Sanitary, the Zero Waste Committee and the Town Attorney for their work on the process and noted that he had been working on it for the almost four years he had been with the Town.

Mayor Bragman opened the discussion to the public:

Chris Lang, Canyon Road, stated that it was a really good contract and commended the Council and Marin Sanitary, thanked the Council for including services for the Fairfax Festival in the contract; asked about the distribution of wood chips; stated that a 9.5% profit didn't provide an incentive to contain costs; suggested that ecologically responsible Council candidates should encourage the elimination of diesel fuel on all Town vehicles; and suggested that all Town and Marin Sanitary trucks should be switched to a more benign fuel. He suggested that the topic of the value of the recyclables could be revisited in the future.

Mayor Bragman stated that they had talked to Marin Sanitary about the diesel issue and that he had a VW Jetta and learned that it could void the vehicle warranty to use biodiesel. He further stated that the Committee had determined that the amount of income generated by recyclables from Fairfax weren't of a value that was worth holding up the contract and that more complete information would be available going forward.

Patty Garbarino, Marin Sanitary, related her long history with the Town; stated that they were looking at alternative fuel trucks; that 9.5% was not a guarantee of profit and came with oversight; that they hadn't achieved it in the last four years; that consultant John Eland was correct about sharing the risk and the profit; that recycling markets were unstable; that Marin Sanitary rates had always been just below the median in the Bay Area; thanked Vice Mayor Hartwell-Herrero for her motivation and encouragement for getting the compost going; and

thanked the Committee and the Council for their faith in Marin Sanitary.

M/S, Bragman/Hartwell-Herrero, Motion to approve the contract as set forth.

AYES: All

There was a consensus of the Council to hear the last item on the agenda next in order.

Adoption of Resolution No. 11-58, a Resolution of the Town Council of the Town of Fairfax in Opposition to Department of Justice Crackdown on Medical Marijuana Clinics - Bragman

Mayor Bragman introduced the topic and stated that the offices of the U.S. Attorney had used their power to close legal dispensaries in the State of California; that there had been no violations by Marin Alliance; that the U.S. Attorney had sent threatening letters to the bank holding the loan for the property owner who leased space to the Marin Alliance and to the property owner himself; that an incredible amount of power was being exerted by the U.S. Attorney's office; that Marin Alliance's bank had notified business owner Lynnette Shaw that they would close her account in violation of State law without a complaint and without a violation; that this was being done by the Bank of America, a bank that the government subsidized; and that the letters included in the packet sent to the U.S. Attorney reflected the issues involved.

Lynette Shaw, Marin Alliance, stated that, if anyone could prevail, they could; that in her declaration to the court she had stated that she had followed the law; that there was a fund raising event on Saturday to help defer legal costs; that the local Bank of America branch had been threatened to have their federal charter pulled because of Marin Alliance; that she would like to be able to pay her sales tax to the Town; that the persecution was a violation of her rights; that she needed support; that Marin Alliance had proved that they could be transparent and follow the rules; and expressed hope that they could stop the U.S. Attorney.

Greg Anton, attorney for Marin Alliance, stated that he was present to answer any questions; that Marin Alliance was a very special business; that Lynette Shaw was a poster child for what could work under State law; that State law versus Federal law continued to be litigated on the issue; that things had changed in the last few years with more and more states legalizing medical marijuana dispensaries, 16 states plus Washington D.C.; that Gallup polls indicated that over 50% favored legalization of marijuana; that a lawsuit would be filed in the Federal District Court the following Friday; requested that the Town join in as a plaintiff representing the citizens of Fairfax; that there was a very compelling issue of the harm caused to patients who would lose their access to medication; suggested that another issue would be that the closure of the dispensary would increase crime in the community, the opposite effect of the Federal government's intention in that regard; and that the use of marijuana hadn't increased since 1996 according to a study by the California Attorney General.

Councilmember Tremaine asked why the Council didn't have a resolution in front of them for adoption.

Mayor Bragman stated that there was no resolution before them because he wasn't sure where the litigation was going; that there was uncertainty about whether or not Fairfax would be part of litigation; that the Town wasn't ready to join it at that point; that it was a very disturbing situation; and that it was a complete turnaround from the Department of Justice.

Attorney Greg Anton stated that adopting the resolution or joining the legislation were not mutually exclusive actions; suggested that the Town Council go forward with the resolution

which would be used as an exhibit for the lawsuit whether or not Fairfax joined the litigation; and that Fairfax could be guaranteed no cost if they joined the litigation because the attorneys were working pro bono and donations had been made.

Planning Director Moore stated that public officials who had oversight of legal marijuana dispensaries, as he did over the Marin Alliance, had also received mixed signals from the Federal Government; that they had relied on the Attorney General's 2009 opinion that the Federal government was not going to interrupt the operation of dispensaries and would honor the provisions of Proposition 215; that it was not fair to officials trying to do their jobs who had relied on the 2009 opinion, to have the rug pulled out from under them; asked that the Rand report be reviewed; noted that the Rand report indicated that drug cartels received almost 70% of their profits from cannabis sales; that, in terms of crime prevention, the Attorney General's recent actions were ironic; that the State Police Chiefs' Association had been against the decriminalization of marijuana in the last election while the Retired Police Chiefs had supported the decriminalization.

Mayor Bragman suggested that the Town Council could hold a special meeting to adopt a resolution on the subject.

Councilmember Tremaine stated that he would like to pass a resolution; that one of the first things he had done as a Council Member was to file a directed referral when the Planning Commission tried to call up the use permit of the Marin Alliance; and that he would make himself available for a special meeting to pass a resolution.

There was a consensus of the Council to adjourn the meeting to Town Hall on Friday, November 3rd at 9 a.m., to consider the adoption of a resolution.

Chris Lang, Canyon Road, commended the Mayor for the letters he had sent in support of the dispensaries; suggested that a request to have marijuana considered as something less than a Class A offense be included in the resolution; and that the resolution be sent to all our legislators; the State Attorney General, the president and others.

Proclamation honoring Sharon Sagar for her contributions as a member of the Ross Valley School Board - Reed

Councilmember Reed presented a report and noted that the School Board would have a swearing in ceremony on December 13th when the Proclamation could be presented to Sharon Sagar.

M/S, Weinsoff/Reed, Motion to approve the Proclamation as presented.

AYES: All

Discussion/Consideration of a Cittaslow Commission for the Town of Fairfax – Hartwell- Herrero

Vice Mayor Hartwell-Herrero reported that Sebastopol was considering forming such a Commission; that there was a small group of volunteers including some from San Anselmo interested in a Cittaslow Commission; and she proposed that a resolution be drafted to create such a Commission for the Ross Valley.

Town Manager Rock stated that the City Manager in Sebastopol was recommending that it become its own non-profit 501c)(3) organization instead of a Commission.

Vice Mayor Hartwell-Herrero stated that one of the models for the Commission as a nonprofit was available from Cittaslow USA but that she would prefer it be a Fairfax Commission with local rules and not those of Cittaslow USA.

Councilmember Tremaine suggested that it would make sense to have it as a project of Sustainable Fairfax, because it was already a non-profit and that they could serve as the fiscal agent.

Councilmember Reed noted that the Friends of the Fairfax Volunteers was a separate nonprofit started for fund raising for the Fairfax Volunteer Board and that perhaps the Cittaslow Commission could use that model.

Vice Mayor Hartwell-Herrero stated that she would draft a resolution considering the different possible formats for the Commission; that there wasn't anyone at Sustainable Fairfax to take over the project since that organization was going through a transition; and that she wanted to keep the Town, Sustainable Fairfax and the Chamber involved since they helped make the Cittaslow projects possible.

Chris Lang, Canyon Road, stated he thought it would be better as a Committee instead of a Commission.

Oral Report on the status of the Fairfax Bike Spine Project – Bragman

Mayor Bragman stated that he had already given a status report on the project in his Council report earlier in the meeting.

M/S, Bragman/Tremaine, Motion to adjourn the meeting in honor of Jack Forster and also in honor of Debra Sue Johnson who had previously served as the Public Works Director for the Town.

AYES: All

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk