

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, March 7, 2012

The regular meeting was preceded by a Closed Session from 6:30 p.m. to 7:00 p.m. for a Public Employee Performance Evaluation (Town Manager) pursuant to Govt. Code Section 54957; and for Pending Litigation in two cases; Fairfax v. Berg and Hedlund v. Crocker, et al.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Larry Bragman  
Pam Hartwell-Herrero  
Ryan O'Neil  
John Reed  
David Weinsoff

**STAFF MEMBERS PRESENT:**

Michael Rock, Town Manager  
Jim Karpiak, Town Attorney  
Mike Vivrette, Finance Director  
Jim Moore, Planning Director  
Chris Morin, Chief of Police  
Mark Lockaby, Building Official  
Roger Meagor, Ross Valley Fire Chief  
Tracy Lavoie, Administrative Assistant  
Judy Anderson, Town Clerk

Mayor Hartwell-Herrero called the meeting to order at 7:05 pm.

M/S, Hartwell-Herrero/Bragman, Motion to approve the agenda and the affidavit of posting with the addition of adjournment in memory of Supervisor Hal Brown to the agenda.

AYES: All

Announcement of Closed Session Action

Mayor Hartwell-Herrero announced that the Council had given direction to Counsel on two litigation issues and had taken no action on an evaluation of a public employee.

Announcements

Mayor Hartwell-Herrero made the announcements as they appeared on the agenda.

Open Time:

Misty Moreno, Park Road, spoke in opposition to the 7-11 next door to her residence being open all night; stated that it was a quality of life issue and was an ongoing issue with extra noise and traffic; stated that 7-11 was losing money being open 24 hours; that there was already a 7-11 in Fairfax that was open 24 hours; and noted that when she purchased her home in 1990, the 7-11 had been open 7 to 11 p.m.

Councilmember Bragman ascertained that the expanded hours of operation of the 7-11 were

still being reviewed by the Planning Commission.

Cindy Ross, Lansdale Ave., stated that she had been trying to get information about Cittaslow, about how much it had cost thus far and how much it would cost going forward; presented the Town Manager with some information on Cittaslow; outlined some of the requirements for a Cittaslow City including providing an awareness campaign, hospitality centers, safe access to sidewalks, etc.; and expressed concern about how the decision to become a Cittaslow City was made; She further stated that she was delighted that the Good Earth had opened but noted that it had created a traffic and parking nightmare and that she had talked to Town Manager Rock about the issues.

Town Manager Rock stated that the Town's Traffic Safety Committee would be meeting on the following Monday on the issues regarding Good Earth, traffic and parking; that the issue of permit parking for the surrounding neighborhoods would be discussed; and noted that the meeting would not be open to the public but that he hoped to meet with the community a month or so later on the issues and that the traffic study would be reviewed.

Valeri Hood, Dominga Ave., stated that it was the one-year anniversary of the devastating Japanese earthquake and Tsunami; related facts about the aftermath of the earthquake that were not known by the public; spoke about media cover-ups; and announced when a Japanese expert would be speaking on "Project Censored."

Phil Lehreker, Rose Construction, thanked Town Manager Rock and Planning Director Moore for their efforts to restore the six parking spaces lost on Sir Francis Drake and stated that the new configuration had created a passing lane problem in front of Pancho Villas;

Kelly Day, owner of Pancho Villas and of the adjacent house on the corner of Belle and Pacheco, stated that she had grocery store customers parking in her lot; that she was very impacted by the project; that, if they weren't welcome at the traffic safety meeting, that they would like to be notified of the results; and that she had coffee cups strewn from one end of her property to the other since Good Earth had opened across the street.

Town Manager Rock stated that he would be meeting with bus officials the following Monday and that he would keep her informed.

#### Presentation of Results of Government Obligation Bond Sale and Refinance of the Measure K Bonds – Mark Pressman, Wulf Hansen & Company

Mark Pressman, Wulf, Hansen & Co., reported on the results of the bond sale. He stated that the issue was rated AA; that four bids were received; that \$193,000 would go to Measure K projects and \$33,716 to offset taxes paid. He explained that the total of \$193,000 was greater than the original estimate because the amount budgeted for costs had about \$8,000 left unspent.

Councilmember Bragman ascertained from Town Manager Rock that a revised list of Measure K projects and priorities would be set at a meeting of the Measure K Committee that he would be calling soon.

#### Interview and appointment of citizen member to the Cittaslow Committee – Town Clerk

M/S Bragman/Reed, Motion to appoint Natasha Riggins as a citizen member of the Cittaslow Committee.

AYES: All

### Council Reports and Comments

Councilmember Weinsoff reported on his attendance at the Marin County Council of Mayors and Council Members (MCCMC) dinner; at an Affordable Housing Project meeting; and reported that, in his capacity as a Community Action Marin (CAM) Board Member, he had written a letter to the governor advocating for funding for early childhood education programs that had been cut.

Vice Mayor Reed reported on his attendance at a Fire Board meeting about including Ross in the JPA; at a Finance Committee meeting; at a banking committee meeting; at a Fairbuck meeting; and at a Transportation Authority of Marin meeting.

Councilmember Bragman reported on his attendance at an affordable housing project meeting and on a Marin Energy Authority meeting.

Councilmember O'Neil reported on a new emergency tree removal form that had improved the process on the Tree Committee; reported on his attendance at the latest MCCMC meeting in Larkspur; on the first Youth Commission meeting as the facilitator; on a meeting of the Ross Valley School Board; and on a meeting with a group of Ross Valley parents about curriculum issues.

Mayor Hartwell-Herrero reported on her attendance at a Cittaslow meeting; at an energy efficiency talk at the Women's Club; at a Chamber of Commerce meeting; at two finance committee meetings; and at two Community Development Block Grant meetings. She also announced that she had cut the ribbon at the opening of the Good Earth market.

Town Manager Rock presented an update on capital improvement projects planned for the summer. He also reported on signing and monument issues that had come up with the opening of Good Earth. He responded to a question from Councilmember Bragman about the recent emergency siren malfunction and led a discussion about the function and purpose of the siren.

Mayor Hartwell-Herrero noted that "Get Ready" emergency preparedness classes would be available soon through the Fairfax Volunteers.

### Consent Calendar

**Approval of Town Council minutes for the January 11, February 1 and 13, 2012 meetings - Town Clerk**

**Approval of Financial reports for December, 2011 – Finance**

**Adoption of Resolution No. 12-13, a Resolution of the Town Council of the Town of Fairfax Authorizing Temporary Closure of Certain Streets and Portions Thereof, to allow a Little League Opening Day Parade on Saturday, March 10, 2012 – Town Clerk**

**Adoption of a Proclamation declaring National Library Week April 8 – 14, 2012 – Town Clerk**

**Adoption of a Proclamation declaring April as Fair Housing Month in Fairfax – Town Clerk**

**Authorize the Town Manager to sign an Agreement with Sustainable Fairfax in an amount not to exceed \$10,000 for the implementation of a Zero Waste Grant – Town Manager**

**Report on staffing changes for FOCAS Program and in the Town Clerk's Department – Town Clerk**

**Adoption of Resolution No. 12-14, A Resolution of the Town Council of the Town of Fairfax Authorizing Temporary Closure of Broadway from Pacheco to Bolinas Road to Allow a Car Show on Sunday, September 9, 2012 – Town Clerk**

**Authorize the Town Manager to sign Personal Services Agreement with Community Media Center of Marin for installation of cameras, cabling and video distribution and to provide video production services during Town Council meetings – Town Manager**

**Authorize the Town Manager to sign Personal Services Agreement with Parisi and Associates for the Fairfax Bike Spine Project for an amount not to exceed \$25,000 – Town Manager**

**Update on the discussions with the Town of Ross regarding joining the Ross Valley Fire Service Joint Powers Authority – Ross Valley Fire Chief**

Vice Mayor Reed asked for clarification of what would be done to the lights in the award of bid.

Town Manager Rock explained that the grant was only for \$38,000 and the bid for \$55,000, and that the money would be spent on bulbs that would be whiter and brighter and that the fixtures would look the same.

Upon the advice of the Town Attorney, the item was removed from the Consent Calendar for discussion.

#### **Comments on the Consent Calendar**

Renee Goddard, Cascade Drive, speaking on the item regarding the zero waste grant, introduced herself as the representative to the Solid and Hazardous Waste JPA; noted the Fairfax goal of 95 to 100% diversion from the landfill by 2020; stated that she represented Sustainable Fairfax and was excited about working with the Town to begin the process to meet the diversion goal; stated that "zero waste" was the theme of Sustainable Fairfax for 2012; that the grant would enable the work to begin; and explained the grant and the goals.

Elizabeth Baker, Interim Director of Sustainable Fairfax, stated that they were educators and advocates who would promote waste reduction strategies in workshops and other ways to help move the diversion goals forward.

Councilmember Weinsoff noted that the funding was coming from the County to Sustainable Fairfax to work with the Town and that it was not being taken from the General Fund. He further stated that there was no way, with the Town's limited resources and reduced staff, that the Town could achieve the goals of the project without the help of local nonprofits like Sustainable Fairfax.

M/S, Weinsoff/O'Neil, Motion to approve the Consent Calendar with the removal for discussion of the item regarding the award of the streetlight bid.

AYES: Bragman, O'Neil, Reed, Weinsoff

NOES: None  
ABSTAIN: Hartwell-Herrero

Approval of the award of bid for the Streetlight Energy Efficiency Project – Town Manager

Town Manager Rock explained he and the Town Attorney had determined that there was no basis for the objection filed against the awarded bid. He stated that the Town would be complying with the living wage and the prevailing wage and that the contractor had to submit payroll records to the Town enabling him to verify the wages paid. He recommended that the Council award the bid for \$38,000, the amount of the grant.

M/S, Weinssoff/Reed, Motion to approve the award of bid for the Streetlight Energy Efficiency Project.

AYES: All

**PUBLIC HEARINGS**

Adoption of Resolution 12-09, a Resolution of the Town Council of the Town of Fairfax declaring the conditions at 39 Wood Lane a Public Nuisance and ordering the Town Manager to abate the Nuisance – (continued from February 2, 2012) - Building Official

Building Official Mark Lockaby presented the staff report. He stated that Mr. Hansberry, the property owner, had submitted plans for a retaining wall for the slide area; that the debris box, the fence and the logs had been removed; and that the pile of tires, chunks of concrete, some old windows and the storage container remained.

Jeff Hansberry, property owner, stated that the storage container was his base of operations; that anything he could salvage was in the container; that the tires were leftover from the tarping on the slide area; that he wasn't in Town most of the week and did what he could when he could; that he didn't receive any insurance money for the slide that destroyed his home; that it would be a huge hardship to remove the container; that he was not there on a daily basis; that the container was not a nuisance, but was just storage for his salvaged belongings and his tools; that the container was obscured by redwood trees; that he wanted to use the concrete as backfill behind the proposed retaining wall; that he didn't think it constituted a public nuisance; that he was involved in an ongoing dispute with a neighbor who shared the ownership of the slide area; and that he couldn't begin a full repair until he had the cooperation of the family that owned the other part of the slide.

Planning Director Moore stated that the part that was on the neighbor's property was not at issue for the current public hearing and that it was up to the Council to decide whether he needed to remove any of the other items on the site.

Jeff Hansberry, property owner, stated that when the house collapsed and was determined to be unsalvageable, that he had torn it down himself; that he was very concerned that he would not be able to rebuild the duplex that was there before the slide because it was a legal non-conforming duplex; and asked if there was anything else that the Town could do to assist with the repair.

Town Manager Rock offered to speak to Mr. Hansberry outside of the Council meeting.

Kathleen McCann, 26-year resident at 46 Wood Lane; stated that she had spoken to the Council on the issue a month previous; that she was still asking the same questions; asked if

the rights of one homeowner superseded those of another; that there had been little movement at the subject property over the six years since the slide; asked if the safety concerns were different depending on the circumstances; that she appreciated that the destruction was not of Mr. Hansberry's making; that property owners were bound to live by the rules; suggested that if the storage container was allowed to stay, that the items should be stored in the container (tires, concrete, windows, etc.); that she didn't agree that it wasn't an eyesore; and that she didn't understand why the other items had to remain.

Ron Curtley, neighbor, adjacent to 39 Wood Lane property, between the subject property and the neighbor who shared the slide; stated that the neighbors were appreciative of what he had been through and that nothing had been done until the Council took action; that he was waiting for Mr. Hansberry to show some respect for the neighbors; that it was a beautiful piece of property; that he wanted to see it cleaned up and made as pristine as possible; and that he thought that the container could stay, but that all the other stuff should be cleaned up.

Kathleen Coleman, Sacramento, Mr. Hansberry's fiancée, stated that she had been with him throughout the ordeal; that when they took down the house, the neighbors didn't help; that the storage container had to stay because it was the center of operation and contained all the tools they needed to do the work; that they were paying thousands of dollars a month on the mortgage that no longer had a house on it; and that they were doing the best they could.

Mayor Hartwell-Herrero closed the public hearing.

Councilmember O'Neil stated that he had known Mr. Hansberry for years and that he was a good person; that he shouldn't be vilified because it wasn't his fault; that the loss wasn't covered by insurance; that he was asking for help from the Town and sympathy from his neighbors; that Mr. Hansberry should let the neighbors know what his plans were; that the neighbors would be more agreeable with his plan if he removed the eyesores on the property and showed that he wanted to be a good neighbor; and that if all that was left on the property was the storage container, the neighbors would probably be okay with it.

Vice Mayor Reed stated that Fairfax was a community and a community worked together; asked if there was any use for the tires; that he needed to take care of the details like cleaning it up; that installing a retaining wall would be a construction project; that communicating with the neighbors would go a long way; and that it would take an attractive fence to make it so the neighbors didn't have to see the tires, tarps, etc.

Councilmember Bragman asked Mr. Hansberry when he could get rid of the concrete and the tires; stated that the Town didn't want to hire a contractor and do it for him; that he understood the need for the storage shed; suggested painting the storage shed to camouflage it; offered to personally help with the removal; and recommended that the Council adopt the abatement resolution but give the property owner ten days to complete the work.

Mr. Hansberry stated that the tires and the pipes could be hauled away in his truck in the next week and a half and suggested he could paint the storage container.

The Council discussed the options for removal of the nuisance.

Town Attorney Karpiak suggested that the Council adjourn for a break and that he would draft a proposed amendment to the abatement resolution to capture the consensus of the Council's discussion.

Mayor Hartwell-Herrero adjourned the meeting for a break from 9:10 to 9:25 p.m.

Town Attorney Karpiak suggested a new paragraph #3 for the resolution to read as follows: "Owner shall: 1) remove the piles of debris on the property within 15 days; and 2) remove the storage container within 45 days, unless the subsidence remediation project is underway, in which case it shall be removed upon completion of that project. In the alternative, if Owner seeks and receives a variance for the storage contained in accordance with the Town Code, the storage container may remain in accordance with any conditions of that variance. The fee to seek the variance shall be waived by the Town."

M/S, Bragman/O'Neil, Motion to adopt Resolution 12-09, a Resolution of the Town Council of the Town of Fairfax declaring the conditions at 39 Wood Lane a Public Nuisance and ordering the Town Manager to abate the Nuisance, as amended.

AYES: All

407 Cascade Drive, Appeal of a determination that the staff are unable to issue an electrical permit for a storage shed that is less than 120 square feet in size because it does not comply with the combined 35 foot, front-rear yard (setback) requirements; Assessor's Parcel No. 003-044-09; Residential Single-Family RS 6 Zone; Lee and Susan Collet, appellants/owners; CEQA categorically exempt, Sections 15303(e) and 15304(a). – Planning and Building

Planning Director Moore presented the staff report and recommended that the Council deny the appeal, with the fees waived including penalties, with a refund of the appeal fee, and that the appellant be directed to apply for a variance with the application fee waived.

Mayor Hartwell-Herrero opened the public hearing.

Lee and Susan Collet, 407 Cascade Drive Property Owners, stated that they hoped to resolve the problem; that they were 90% done with the project before anyone complained; that they thought they were doing a good thing according to the codes; that they made the shed smaller than the square footage allowed and below the height limit; that it was barely visible from the street; and that they were going to let the hedges grow another three feet so that the shed wouldn't be visible at all.

Michael Durfy, next door on Cascade Drive, stated that it was clear to him that there were combined setbacks required by what was given to Mr. Collet by Town staff and referred to photos showing the project. He further stated that it was hard to complain about neighbors, but that the project had gone forward without informing the neighbors and was done without permits.

Mayor Hartwell-Herrero closed the public hearing.

M/S, Weinsoff/Bragman, Motion to deny the appeal with the waiver of fees including penalties, with a refund of the appeal fee, and direction to the appellants to seek a variance from the Planning Commission from the combined yard setback requirements.

AYES: All

6 Valley Road; Application # 11-29, Appeal of Design Review Board approval of a 2,696 square foot single-family residence; Assessor's Parcel Numbers 001-063-31, 003-191-01 and 003-191-02; Residential Single-family RS 6 Zone District; Rochelle Ereman and Charles and Sherrie Richardson, appellants; Frances Kibbe, owner; CEQA categorically exempt, § 15303(a) – Planning

Planning Director Moore presented the staff report.

Mayor Hartwell-Herrero opened the public hearing.

Steve and Rochelle Eremann, 51 Mountain View, appellants, stated that all of their deck space had previously been private; that they couldn't see 62 Valley at all before the project; that they were asking that as much of their privacy as possible be retained; stated that the proposed home was referred to as "slightly larger than the previous home" but it would be a 2700 square foot home to replace a 1400 square foot home; that it was being built right across from their house; that it would be a 3-story house; that it would be closer than stated; that it would be close enough to restrict their privacy; that they wouldn't just see the roof or portions of her house but would be looking through her windows on the third story; that a two-story house wouldn't create the problem; requested that no more trees be removed unless required by the Fire Department; and asked that a screen wall be constructed on the third story deck and that fast growing and fire safe trees be planted as privacy screening..

Charles and Sherrie Richardson, 267 Tamalpais Road, appellants, asked for clarification of which trees were going to be removed and whether or not all the trees marked for removal had been removed. They stated that they had a wonderful view, that they had lived at their current address for thirty years, and that they didn't want the property to be clear cut. They stated that they were sorry that they had to incur the cost of an appeal to get an answer to their questions about tree removal.

Planning Director Moore stated that the Eremanns and the Richardsons were asking for a refund of the appeal fee; that it was staff's understanding that all the trees to be removed had been removed; that the findings of the Design Review Board indicated that they would apply to the Tree Committee for any other tree removals; and he recommended that the neighbors meet and discuss the issue.

Councilmember O'Neil informed the appellants that the property owner could get a permit to remove more trees by going through the Tree Committee.

Charles Richardson stated that he he didn't want anything he said to mean that he didn't support fire safety measures because he did.

Frances Kibbe, 62 Valley Road property owner, stated that her family had lived at the site since 1951; that she had inherited the property in 2005; that the house had been destroyed by fire in 2009 including the contents; that the property was about 3 acres; that no trees or brush had been removed by her parents; that she had cleared a lot of brush herself because she couldn't afford to hire anyone; that she had been thanked by the firefighters for the clearance she had done that saved other homes; that she continued to clear Scotch broom; that she had done some of the tree work that the Fire Department required; that she had spent \$20,000 on tree removals; that the property was surrounded by trees and she didn't want to go through a devastating fire again; that the experience had been crippling emotionally and financially; that she was paying on a mortgage and for lodging elsewhere; that she desperately wanted to get back to her home; that a false sense of privacy had been created for her neighbors; that she didn't want to clear cut the hillside; that she didn't want to cut oaks but might have to; that her father had planted some of the trees she climbed on as a child; that they had put up story poles before the Planning Commission meeting; that she had received no letters or calls from the neighbors at that time; that she had been out of the country for the Design Review Board (DRB) meeting and had called the neighbors when she returned; that the neighbors had already filed an appeal before she returned; that she felt betrayed by her neighbors; and that her project had

the support of her neighbors on Valley Road.

Jeff Kroot, project architect, stated that he actually did talk to the neighbors; that he had been asked at the DRB meeting whether or not all the trees had been removed and he wasn't certain at that time but told the neighbors that a thirty-foot clearance had been required by the Fire Department and a couple of other oaks were slated for removal. He further stated that it had been a long process; that they had applied to the Planning Commission over a year previous; that they had become involved in disputes with the Town Engineer that their engineers couldn't resolve; that they had put up the story poles before the Planning Commission meeting as required; and that they had received unanimous approval from the Planning Commission and the DRB. He showed photos of the view to the neighbors.

Councilmember Weinsoff asked if the neighbors would be notified of any tree removals going forward and reiterated staff's suggestion that they get together with the neighbors to talk about the issues.

Architect Kroot stated that one of the neighbors was 93 feet from the property line and that the other house was even further away, that there might be some things they could do, but that they were very far away and would have to look up to see the structure at 62 Valley.

Councilmember Weinsoff urged the architect to accommodate the neighbors in some way, suggested that a compromise should be possible, and asked that the homeowner commit to contacting her neighbors about future tree removals.

Neighbor Charles Richardson, stated that it still wasn't clear whether or not all the trees to be removed had already been removed.

Councilmember O'Neil stated that if the house was being built at its original height, there wouldn't be a problem and that it would be a much larger house with three stories.

Architect Kroot clarified that the previous house was actually 2100 square feet, not 1400 square feet, and that the 1400 square foot statement was inaccurate.

Town Attorney Karpiak explained that they could make changes to the house design as long as they could make findings to support the changes and could direct staff to draft findings for adoption at the next meeting.

Councilmember Bragman suggested that there were other ways to address the privacy issue, perhaps with occluded glass up six feet on the large window facing the neighbors. He further suggested that the property owner agree to give the neighbors notice of any planned tree removals for the next three years.

Property Owner Kibbe stated that her property line was 100 feet from the windows and that she should be able to enjoy the view of the woods.

Councilmember Bragman noted that property rights were reciprocal, that owner Kibbe couldn't build something that impeded on her neighbors' property rights and suggested that she could perhaps take a step with her windows to protect the neighbor's privacy from their bedroom window.

Architect Kroot, stated that it would be possible to plant some kind of landscaping or use special shades on the window but that the houses were far apart, the clearing had been done for fire safety, and that he didn't think there was a real privacy issue.

Planning Director Moore reviewed the appellants' five suggestions to ascertain where agreement could be reached.

Vice Mayor Reed suggested that they could strategically plant a tree and block the view on the appellant's property.

There was a discussion of the steep slopes between the properties that made tree planting for privacy problematical.

Town Attorney Karpiak suggested that the Council deny the appeal for one party (the Richardsons) with the agreement that they would be notified for three years of any tree removals with a refund of the appeal fee, and to continue the second part of the appeal (for the Eremanns) to the next meeting, if no agreement could be reached.

M/S, Weinsoff/Reed, Motion to continue the public hearing on the appeal to the April 4<sup>th</sup> Council meeting with direction to the appellants and the homeowner to work together, and, if no agreement could be reached, for the Council to impose a decision.

AYES: All

Adoption of Resolution No. 12-15, a Resolution of the Town Council of the Town of Fairfax adopting the Association of Bay Area Government (ABAG) Plan "Taming Natural Disasters" and the Town of Fairfax Local Annex (appendix), as the Town of Fairfax's Local Hazard Mitigation Plan - Planning

Planning Director Moore presented the staff report.

M/S, Bragman/O'Neil, Motion to adopt Resolution No. 12-15, a Resolution of the Town Council of the Town of Fairfax adopting the Association of Bay Area Government (ABAG) Plan "Taming Natural Disasters" and the Town of Fairfax Local Annex (appendix), as the Town of Fairfax's Local Hazard Mitigation Plan.

AYES: All

Status Report and Discussion of the Banking Services RFP process - -- Finance Committee

Finance Director Vivrette presented the staff report.

Mayor Hartwell-Herrero, a member of the Finance Committee, stated that either of the finalists, Bank of Marin or Bank of the West, would be cheaper than Bank of America.

Councilmember Bragman stated that he was satisfied with the services provided by Bank of Marin for his business and suggested that Bank of Marin might have been considering opening a branch in Fairfax.

Finance Director Vivrette asked for clarification of the criteria the Council wanted the Committee to use to decide. He asked if it was more important to the Council to save money or to have a local bank.

Councilmember Bragman asked if any research had been done on the Bank of the West and Bank of Marin regarding their compliance with banking regulations, the bank's ethics, and their community reinvestment.

Councilmember Weinsoff asked if the banks offered loans and if they could offer more flexibility than larger banks.

Town Attorney Karpiak cautioned that the Council couldn't use new criteria since the Town had already outlined the criteria in the Request for Proposals issued for the bank services.

Town Manager Rock stated that the Bank of the West had been conservative in the loans they had made and hadn't received much fallout from the banking crisis.

Councilmember Weinsoff asked what kind of flexibility they offered for loans in distress.

Councilmember Bragman stated that he didn't want to set new criteria, but just wanted more research to be done on the backgrounds of the banks to ascertain whether or not they had been bailed out during the banking crisis, whether or not they received federal funds, and what they did with any Federal funds they received

Town Manager Rock noted that the Finance Committee would be meeting on March 13<sup>th</sup> and that their recommendation would be on the April agenda.

Vice Mayor Reed stated that the Bank of the West was larger than Bank of Marin, ten times larger, and was a subsidiary of a French bank; that the Bank of Marin was local and more familiar with the Town's issues; and that the Bank of the West was cheaper and anxious to get into the local market.

Councilmember O'Neil stated that he would prefer that the Council stay local and that staying local and buying American was important to him.

Mayor Hartwell-Herrero adjourned the meeting in memory of Hal Brown at 11:10 p.m.

Respectfully submitted,

Judy Anderson, Town Clerk