

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Thursday, January 10, 2013

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 7:00 p.m.-  
CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government  
Code Section 54956.7; Property: Assessor's Parcel Nos. 001-193-07, 001-193-09,  
and 001-193-03; Jack Judkins, Town Negotiator; Town of Fairfax and Neil Dan Reid  
and the Neil Reid Trust A (Survivor Trust), established under the Reid 1988  
Revocable Trust, Seller Parties; Under Negotiation: Price and Terms of Payment

PUBLIC EMPLOYMENT pursuant to Government Code Section 54957(b)(1): Title:  
Town Manager

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

Judy Anderson, Interim Town Manager  
Jim Karpiak, Town Attorney  
Jim Moore, Planning Director  
Mike Vivrette, Finance Director  
Chris Morin, Chief of Police

Mayor Reed called the meeting to order at 7:05 pm.

Approval of Agenda and Affidavit of Posting

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

AYES: All

Announcement of Closed Session Action

Mayor Reed announced that the Closed Session items were on the agenda and would be  
discussed later in the meeting.

Announcements

Mayor Reed made the announcements as they appeared on the agenda.

Reports and Presentations

Annual Report from Fairfax Open Circle Arts and Sports (FOCAS)- Anne Mannes, Program  
Director

Ms. Anne Mannes, FOCAS Program Director, made a Powerpoint presentation including the  
following: 1) Increased visibility; 2) Growth from 2011-2012; 3) Enhanced Programming; 4)  
Fundraising Efforts; 5) Questions and Answers.

Boardmember Weinsoff stated FOCAS currently receives \$18,000 and he asked Ms. Mannes how much more funding she was seeking. Ms. Mannes stated they were asking for an additional \$10,000.

Councilmember Bragman asked about the number of children participating in the programs. Ms. Mannes stated they have a mailing list of over 400 families.

Councilmember O'Neil stated he would like to sit down with Ms. Mannes and the Youth Commission to discuss some new ideas. He asked about the average age of participants. Ms. Mannes stated the majority of participants are toddlers and elementary school children.

Interim Town Manager Anderson stated the program was nearly self-supporting and she thanked Ms. Mannes for a job well done.

Ms. Valerie Hood, Dominga Avenue, asked about scholarship possibilities. Ms. Mannes stated they offer some scholarships for Camp Fairfax and for the Kung Fu program.

#### Open Time

Ms. Valerie Hood, Dominga Avenue, representing Fairfax Tomorrow, asked for permission to use the Women's Club on the following dates for the Film Series: January 18, February 15, March 22, April 26, and May 24.

Mr. Steven Franks, Willow Avenue, stated the Good Earth continues to violate the conditions of its Use Permit by allowing trucks to make deliveries before 5:00 a.m. Planning Director Moore stated the temporary occupancy permit expires on February 10<sup>th</sup>. Staff was waiting for the owners of the Good Earth to submit their application for renewal.

Ms. Yvette Wakefield, Barry Trail, asked the Council to help defeat "corporatism". She asked the Council to pass a moratorium on light bulbs that contain mercury. She was also concerned about the geo-engineering problem and potential health hazards from wireless technology.

Mr. Lou Vaccaro, Olema Road, stated mercury is mainly used in commercial (street lights) and not residential lighting. He suggested that the Town remove itself from the Street Lighting Joint Powers Agreement (JPA) with the County of Marin and do its own lighting replacement.

Mr. Chris Lang, Canyon Road, stated the light standards on Center Boulevard were too high and blocks the view of the iconic ridgelines of Fairfax.

#### Interview and appointment of candidate(s) to serve on the Volunteer Board for a full three-year term

M/S, Bragman/O'Neil, Motion to appoint Ms. Helen Fauss to the Volunteer Board for a full three-year term.

AYES: All

#### Council Reports and Comments

Councilmember Weinsoff reported he was appointed to the California Legal Cities Environmental Policy Quality Committee and would be reporting back to the Council; he thanked Police Chief Morin for implementing a program that allows residents to request that an officer check on his or her residence during the holiday season.

Councilmember Hartwell-Herrero reported she attended the Chamber of Commerce Holiday

Party and participated in the negotiations for a new Town Manager.

Councilmember Bragman reported he attended the Marin Energy Authority (MEA) meeting; the California Public Utilities Commission (CPUC) has made some adjustments to the PCIA charge (essentially a tariff on MEA customers) levied by PG&E; he participated in the CPUC Public Hearings regarding Smart meters.

Councilmember O'Neil reported he attended the Major Crimes Task Force Oversight Committee meeting; he complimented staff on their diligence during the holiday storms.

Mayor Reed reported he attended the Chamber of Commerce Holiday Party and the GPIC meeting; participated in the Town Manager negotiations; was working on finding funding for road repair related to the Bike Spine Project; thanked Planning Director Moore for obtaining a grant in the amount of \$300,000 for the Parkade.

#### Interim Town Manager Report

Interim Town Manager Anderson stated she had nothing to report.

#### Consent Calendar

**Approval of Town Council minutes for the December 5, 2012 meeting - Town Clerk**

**Approval of Financial reports for October, 2012 – Finance**

**Approval of Town Manager Contract- *Interim Town Manager***

**Adoption of Resolution 13-1, a Resolution of the Town Council of the Town of Fairfax authorizing the Temporary Closure of Certain Streets and Portions Thereof, to allow a Little League Opening Day Parade on Saturday, March 9, 2013- *Interim Town Manager***

**Authorization to solicit informal bids for the construction of a new restroom facility at Contratti Field- *Interim Town Manager***

**Award of bid for tree planting at Pastori Sidewalk Project- *Interim Town Manager***

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the Consent Calendar with corrections to the December 5, 2012 minutes and the removal of items #7 and #8 for discussion.

AYES: All

Mr. Tony Yudice, Forrest Terrace, stated cell phone antennas are being operated in violation of the Town Ordinance. Councilmember Bragman stated he was told they were not yet powered up. Councilmember O'Neil asked Interim Town Manager Anderson to verify this information.

**Authorization to solicit informal bids for the construction of a new restroom facility at Contratti Field- *Interim Town Manager***

Councilmember Weinsoff stated he supported the solicitation of the bids but was concerned about using \$15,000 from the County of Marin "Slush Fund" to help fund the project. He felt the money was tainted and they should find the money elsewhere.

Councilmember Bragman stated he understood Councilmember Weinsoff's concerns but the funding was available and he would rather not burden the taxpayers of Fairfax. He noted this was a regional facility and funding would come from a variety of sources.

Councilmember Bragman asked if the bid package could make a statement of preference for local contractors. Interim Town Manager stated "yes".

Mr. Chris Lang stated County Supervisor discretionary funds have been used for countless projects and programs in Fairfax including the Marin County Bike Coalition.

Ms. Mimi Newton stated the Council should accept the County funds.

Councilmember Bragman stated it would be nice to include showers in this facility sometime in the future and he suggested that the bid package include a stub-out for plumbing.

M/S, Hartwell-Herrero/O'Neil, Motion to authorize the Interim Town Manager to solicit informal bids for the construction of new restrooms at Contratti Field with a preference for local contractors and to include a stub-out for plumbing.

AYES: Bragman, Hartwell-Herrero, O'Neil, and Mayor Reed

NOES: Weinsoff

#### Award of bid for tree planting at Pastori Sidewalk Project- Interim Town Manager

Councilmember Hartwell-Herrero stated she did not want to delay the process but did some research and realized that the proposed species of tree (Purple Robe) could grow to 50 feet in height and had a high potential for root damage. She asked Interim Town Manager Anderson to consult with the landscape architect.

Councilmember Bragman stated they could continue this item to the Special Meeting scheduled for Tuesday, January 15<sup>th</sup>.

Mr. Chris Lang stated it would be a good idea to plant a species of tree that would screen the noise from the Good Earth. He thanked the Council for including a preference for local contractors in bid packages.

Mr. Tony Yudice was concerned that the soil in that area was very rocky. Boardmember Hartwell-Herrero stated the contract includes excavation and replacement of that soil.

M/S, Hartwell-Herrero/O'Neil, Motion to continue this item to the Special Council meeting scheduled for Tuesday, January 15<sup>th</sup>.

AYES: All

Mayor Reed introduced and welcomed newly hired Town Manager Garrett Toy. Town Manager Toy stated he looked forward to working with the Council and the citizens of Fairfax.

#### Regular Agenda

#### Adoption of Resolution No. 13-2, a Resolution of the Town Council of the Town of Fairfax approving the Option Agreement for the Upper Ridgeway properties and authorizing the Town Manager to exercise the option and accept the properties on behalf of Town - Interim Town Manager

Mr. Jack Judkins, Chair of the Fairfax Open Space Committee (FOSC), urged the Council to adopt the resolution. He stated that only existing Town funds dedicated for use for open space would be expended- no General Fund money would be used.

Ms. Barbara Cullen, member of FOSC, stated this property would add a lot of opportunities and

benefits to the Town and she strongly urged the Council to support their request.

M/S, O'Neil/Weinsoff, Motion to adopt Resolution No. 13-2, a Resolution of the Town Council of the Town of Fairfax approving the Option Agreement for the Upper Ridgeway properties and authorizing the Town Manager to exercise the option and accept the properties on behalf of Town.

AYES: All

The Council took a 10-minute break at 8:40 p.m.

Discussion/Consideration of possible adoption of Resolution 13-3 directing the Planning Commission to draft an ordinance to regulate leaf blowers in the Town of Fairfax- *Planning*

Planning Director Moore presented a staff report.

Councilmember Weinsoff asked if the proposal was to ban gas leaf blowers and not leaf blowers in general. Planning Director Moore stated "yes".

Councilmember O'Neil stated he was under the impression that the main concern was the noise or decibel level generated from these devices.

Mayor Reed stated the concern was with the noise generated from these devices along with the health issues.

Councilmember Bragman stated there were other power tools that disturb residents and noise disturbance has become a "hot-button" issue. Perhaps the Noise Ordinance should be reviewed. He referred to the resolution and suggested the deletion of the word "gas" throughout and the addition of the words "other power equipment" after the reference to leaf blowers.

Mr. Doug Green, Taylor Lane, stated he was concerned about his health, global warming, and wildlife. He would like to see a total ban on leaf blowers.

Mr. Tony Yudice stated it all comes down to civility and being courteous to neighbors. The main issue seems to be about noise and perhaps there should be a limit to the size of the engines.

Mr. Lou Vaccaro stated he has a large piece of property and he needs to use a leaf blower. He cautioned the Council about "opening a can of worms".

Ms. Connie Briso, Meadow Way, stated there has been a large increase in the use of leaf blowers in the canyon and this was a quality of life issue.

Councilmember Hartwell-Herrero stated they should take into consideration the impacts to wildlife and the proximity to neighbors.

M/S, Bragman/O'Neil, Motion to adopt Resolution No. 13-3, a Resolution of the Town Council of the Town of Fairfax directing the Planning Commission to draft an ordinance to regulate leaf blowers in the Town of Fairfax as amended by staff and Council.

AYES: All

Adoption of Resolution No. 13-4, a Resolution of the Town Council of the Town of Fairfax in Support of the Principles set forth by the Nationwide "Mayors Against Illegal Guns"-  
*Reed/Weinsoff*

Councilmember Weinsoff asked the Council to support the principles being forwarded by this

organization.

Mayor Reed stated this conversation was going on nation-wide and should also be a community conversation.

Councilmember Hartwell-Herrero stated while she agreed with the sentiments in the resolution she was not sure this was the right response. Discussions should be about assault rifles and clips. Some of the language in the resolution does not make sense and she would like to delete the third bullet on the first page of the resolution.

Councilmember O'Neil stated it was a natural response to try to find solutions and he agreed that it was time to get into a dialogue. He was concerned that the resolution only addressed illegal guns and thought this should be a well thought-out plan. He reminded everyone that bad guys do not follow the rules and there were a lot of responsible gun owners.

Councilmember Bragman stated the resolution was a modest proposal and had symbolic value only. They need to get to the root of the problem which is multi-faceted. Guns are an extremely dangerous product and the concept that guns guarantee freedom is fallacious- democracy guarantees freedom. The language in the third bullet troubled him. He would like to add a statement in support of a renewal of the ban on assault weapons.

Mr. Douglas Green stated the measure of civilization is the extent that violence is replaced with cooperation.

Mr. Tony Yudice stated guns were an extension of man and man is the issue. He was concerned about the prevalence of violent video games.

Mr. Lou Vaccaro stated adopting the resolution was a good idea.

Councilmember Weinsoff stated he would rather not "cherry-pick" the language in the resolution.

M/S, Weinsoff/Bragman Motion to adopt Resolution No. 13-4, a Resolution of the Town Council of the Town of Fairfax in Support of the Principles set forth by the Nationwide "Mayors Against Illegal Guns with the deletion of the third bullet on page one and a statement about support of a renewal of the assault weapons ban.

AYES: Bragman, Weinsoff, Mayor Reed

NOES: Hartwell-Herrero, O'Neil

Request for authorization to advertise for the Deputy Town Clerk position- *Interim Town Manager*

Interim Town Manager Anderson presented a staff report. She noted her suggestion would give the new Town Manager and the City Council flexibility.

Councilmember Hartwell-Herrero asked Interim Town Manager Anderson about the cost of the overlap of positions prior to her retirement. Interim Town Manager Anderson stated she could get the figures but it would be minimal since it would only be a month or so.

Councilmember Bragman stated he would prefer that the Town Clerk position remain an elected position with a residency requirement. This ensures transparency and access.

M/S, Bragman/Hartwell-Herrero, Motion to authorize the Interim Town Manager to advertise for the Deputy Town Clerk position noting a preference for a local resident.

AYES: All

Review of Council Committee Assignments- *Town Clerk*

Interim Town Manager Anderson presented a staff report.

Councilmember Hartwell-Herrero stated the Affordable Housing Committee has been combined with the General Plan Implementation Committee (GPIC) and she would be the alternate. Mayor Reed stated they need to revise the GPIC by-laws.

M/S, Bragman/Hartwell-Herrero, Motion to approve the Council Committee Assignments.

AYES: All

M/S, O'Neil/Weinsoff, Motion to adjourn the meeting at 10:20 p.m.

AYES: All

Respectfully submitted,

Toni DeFrancis  
Recording Secretary