

DRAFT Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, January 13, 2010

The regular meeting was preceded by a special meeting closed session regarding pending litigation, Fairfax v. Berg and Property Negotiation regarding 210 Sir Francis Drake Blvd.

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
Laurie Ireland-Ashley, Finance Director
Jim Karpiak, Town Attorney
Kathy Wilkie, Public Works Director
Mark Lockaby, Building Official

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

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Bragman, Motion to approve the agenda and the Affidavit of Posting with the item regarding the Ross Valley School District to be heard first on the regular agenda at the request of Mayor Tremaine.

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

Councilmember Bragman abstained from the vote and stated that the agenda that was posted was not the amended agenda with the expanded description for the item regarding the siting of a new school, and that there needed to be more specific noticing per Section 16.080 of the Town Code.

Announcement of Closed Session Action

Mayor Tremaine announced that the Council had met with the Planning Director regarding a potential site for an affordable housing project and had conferred with legal counsel regarding Fairfax v. John and Marlia Berg, that direction had been given to staff and that no action had been taken.

Announcements

Mayor Tremaine announced the openings on the General Plan Advisory Committee, the Youth Commission, the Open Space Committee and the Affordable Housing Committee and announced that a public Fire Forum would be held on Saturday, January 30th, at the Women's Club from 9:30 a.m. to 12:30 p.m.

Open Time for Public Expression

Anya Schandler, Barker Ave., stated that she wished to speak to the item regarding the school siting. Mayor Tremaine informed her that she could speak to the item when it was heard later on

the agenda.

Presentation on Project Homeless Connect – Mary O'Mara

Mary O'Mara, of Marin Link, Inc., presented an overview of Project Homeless. She described Project Homeless Connect as an initiative organized by MarinLink, a non-profit organization located at the Northgate Mall, in close collaboration with the Department of Health and Human Services, other government agencies, the private sector, community nonprofits, religious organizations and individuals. She stated that one of the goals of Project Homeless Connect was to improve access to services for homeless citizens and that through a contract with the Marin County Board of Supervisors, they were staging outreach events at various locations in the County. She announced that an event was planned for Thursday, February 18th at the Fairfax Women's Club from 10 a.m. to 2:00 p.m. where services would be brought in for the homeless. She described the services that would be available including medical screening, dentists, food and clothing; noted that it was being done in cooperation with the Town of San Anselmo; that there would be no cost to the Town; that the outreach was to the precariously housed as well as to the homeless; and that she was asking for the Town's support for the venture.

There was a consensus of the Council to support the venture.

Presentation of the FY 2007/08 Audit – Caporicci and Larson, CPA

Town Manager Rock introduced Mr. Larson of Caporicci and Larson, who presented the 2007-08 Audit. He stated that great improvement had been made but that there was still work to do; that Finance Director Ireland-Ashley had done a tremendous amount of work to enable the audit to be completed; and that the balances presented at the end of the 2007-08 were accurate.

Finance Director Ireland-Ashley stated that the 2008-09 Audit should be the one being considered, but that it would be presented in Spring of 2010 and the Audit of 2009-10 presented the first part of 2011, to accomplish a return to normal scheduling of audits. She outlined some of the changes that had been made in the Finance Department including the creation of a detailed structure document, the creation of a Finance Committee to provide more oversight, and the use of the Town Treasurer to review financial statements before presentation to the Council.

Vice Mayor Bragman asked if Director Ireland-Ashley had clerical support in the department and was told that she did not. Town Manager Rock stated that he was going to try to provide part time financial help for Finance in the next Town budget.

Presentation on Model Green Building Ordinance - Bob Brown, City of San Rafael Community Development Director

Planning and Building Services Director Moore introduced Mr. Brown and noted that he was a member of the Marin Climate and Energy Group and BERST (Green Building, Energy Retrofit and Solar Transformation).

Mr. Brown described the efforts that had been made to provide a model ordinance for implementation by the various Marin jurisdictions. He stated that that they were attempting to have all the Marin jurisdictions adopt green building regulations for new construction and remodeling and to recommend parameters for a comprehensive energy efficiency and renewable energy retrofit program for existing buildings. He explained the various green building standards and rating systems available and how they were applied. He gave examples of the added costs required for green building projects to illustrate how the extra cost produced value savings. He described the provisions of AB11 that allowed local governments to provide property assessed clean energy financing. He stated that all nine Bay Area counties were working on similar financing with the guidance of the Association of Bay Area Governments and that they might get a ten million dollar

federal stimulus grant for that purpose.

Councilmember Weinsoff thanked the City of San Rafael for taking the lead in the process and noted that Marin Builders Association had a display of green building materials available to the public.

Councilmember Hartwell-Herrero ascertained that there were ways to individualize the model ordinance, including modifications to accommodate the smaller homes in Fairfax. She also suggested that applicants be advised to earn points in a variety of categories for the best results.

Mayor Tremaine opened the discussion to the public.

Niccolo Caldararo, Frustuck Ave., cautioned the Council to be careful about unintended consequences. He stated that tearing down buildings used lots of energy and that green products didn't always live up to their claims. He commended the efforts to reduce the carbon footprint but advised that tearing down buildings should be done with skepticism and caution.

Chris Elanus, stated that many people would be needed and would have to be trained to execute the retrofits and to evaluate them.

Mr. Brown stated that specific training was needed and that some Federal stimulus money was being used to train contractors, architects and others in green technology.

Councilmember Hartwell-Herrero ascertained that BERST would be providing information about certified green point raters.

Vice Mayor Bragman asked if the San Francisco ordinance had been reviewed and Mr. Brown responded that the San Francisco ordinance only addressed new building, not remodeling, and stated that they had reviewed all the green building ordinances in the Bay Area.

Councilmember Reed noted that some policy changes could be made to reduce traffic and its impact and that transportation should also be considered.

Director Moore stated that the Marin Climate and Energy group was working with the Transportation Authority of Marin on the transportation piece.

Councilmember Reports and Comments

Councilmember Hartwell-Herrero reported on her attendance at the Marin County Mayors and Council Members meeting in December. Councilmembers Weinsoff and Reed also reported that they had attended the same meeting.

Councilmember Hartwell-Herrero also reported on a Community Development Block Grant meeting that she had attended representing the Town.

Mayor Tremaine reported on a meeting of the Marin Energy Authority and stated that all the other cities except Ross had voted to continue their participation in the Authority.

Discuss/set council meeting date(s) for Updating Strategic Financial Plan

Town Manager Rock led a discussion about updating the Town's Strategic Financial Plan and the date of Saturday, February 27th from 9 a.m. to Noon was set for a special Council meeting to update the Plan.

Consent Calendar

Approval of Town Council minutes of November 30, December 2 and 14 , 2009 – Town Clerk

Accept and File Monthly Finance Reports for November, 2009 – Finance

Report on the status of the General Plan Update – Planning

Adoption of a Resolution of the Town Council of the Town of Fairfax as a Member Agency of MERA (Marin Emergency Radio Authority), Authorizing Refunding and Approving the Restated Operating Agreement – Town Manager

Award of a Consultant Services Agreement to California Infrastructure Consultancy, Inc. for the preparation of an RFP for the Creek Road Bridge Seismic Upgrade Design – Public Works

The draft minutes of December 3rd were discussed; Councilmember Hartwell-Herrero requested that the employer of Paul Finn be corrected to be "Local Power;" Councilmember Reed asked for a correction of the area of sidewalk that needed improvement downtown; and Councilmember Weinsoff asked that "and staff" be added to the description of a meeting with Dr. Peters of the Marin Community Foundation.

Michael Mackintosh, Marin Town and Country Club, asked to discuss the item about the General Plan Update and the Creek Road Bridge seismic upgrade on the Consent Calendar.

Planning and Building Services Director Moore presented the staff report orally regarding the General Plan Update and Public Works Director Wilkie presented a report on the Creek Road Bridge seismic upgrade.

Second Reading and adoption of Ordinance No. 748, an Ordinance extending a second unit amnesty program for a one-year period by amending chapter 17.048 of the Fairfax code regarding certain existing residential second units - Planning

Planning and Building Services Director Moore presented the staff report.

Vice Mayor Bragman requested that the adoption of the ordinance be continued until after the upcoming Fire Forum.

Peter Ramsay, Mono Ave., stated that he had been involved in planning and remodeling most of his career; that he was in the process of legalizing a second unit; that the fire department was requiring a sprinkler system for his entire house as a requirement for the second unit; that he believed that the Fire Code was being interpreted in a very strict way; and that something needed to be done to address the problem.

M/S, Bragman/Weinsoff, Motion to continue the item to the February 3rd Town Council meeting.

AYES: All

Mayor Tremaine adjourned the meeting for a break from 9 to 9:15 p.m.

Referring to the item discussed before the break, Town Attorney Karpiak explained the timing of the second unit amnesty ordinance and its effective date that would create a short period of time when the ordinance wouldn't be in force if the ordinance wasn't adopted at the current meeting.

M/S, Weinsoff/Reed, Motion to reconsider the last item.

AYES: All

M/S, Motion to waive further reading and to read the title only of Ordinance No. 748, An Ordinance of the Town Council of the Town of Fairfax extending the Second Unit Amnesty program.

AYES: All

Mayor Tremaine opened the public hearing and no speakers came forward.

M/S, Motion to adopt Ordinance No. 748, An Ordinance of the Town Council of the Town of Fairfax extending the Second Unit Amnesty program.

Roll Call Vote:

Weinsoff: AYE; Hartwell-Herrero: AYE; Bragman: NO; Reed: AYE; Tremaine: AYE

Update on the Ross Valley School District plans for a new K-5 School (Deer Park School or Marin Town and Country Club as potential sites), and remodel and addition to White Hill School – Town Manager

Town Manager Rock presented the staff report and introduced Sharon Sagar, Ross Valley School Board Chair, who presented an overview of the School District and its sites, and the project growth figures that necessitated the need for a new Kindergarten through 5th grade school site. She stated that the projected enrollment figures indicated that the schools would exceed capacity by 30% in 2014.

Councilmember Hartwell-Herrero asked how the enrollment numbers had been projected; how it was determined that it was a trend rather than a bubble; noted that there were almost no new homes built in Fairfax; that both of the proposed Fairfax sites would impact the creek and have environmental impacts; asked if the daycare center moved out, whether or not there would be sufficient space for a K-5 school at the site; asked if the District had looked at a possible purchase of the field site at Upper Brookside; and asked how many of the School District trustees lived in Fairfax.

Ms. Sagar described how the projections had been created using statistic including families moving into the community and children returning from private schools; stated that they were aware that both the sites in Fairfax had issues but that they didn't have perfect sites to consider; that classroom space would have to be added at Deer Park School to create a K-5 school; that there weren't many students in the area of Upper Brookside; and that she was the only Fairfax resident on the school board.

Councilmember Reed stated that people were questioning the growth numbers quoted and suggested that, if it were a bubble, whether or not the cost of portables had been examined; and asked about the impact on Safe Routes to School in terms of traffic impacts.

Ms. Sagar described the District's consideration of portables at an estimated cost of \$70,000 each to install and stated that they would work with the Safe Routes to School program regarding traffic.

Mayor Tremaine led a discussion of the Marin Town and Country Club site with questions about the impact of the voter approved zoning for the property, the environmental impact and the amount of money necessary for the purchase of the portion of the property considered as a school site.

Vice Mayor Bragman suggested that the money be used to improve the existing campuses.

Councilmember Weinsoff asked if it would be possible to replace the current structures with two-story buildings as was being done at Ross School and whether building would be done on the upper side of the school at White Hill. He also expressed concern about fire danger, ingress and egress and traffic impacts for the Deer Park School site.

Ms. Sagar stated that two-story buildings wouldn't give them any flexibility and could impact program quality, that building would occur on the upper side at White Hill and that all the impacts would be considered for any potential school site.

The Council reviewed the agenda because of the lateness of the hour, and agreed to continue the following items: discussion of the status of the perchlorethylene (PCE) spill at the Fair Anselm retail center; the implementation financing of the Marin Clean Energy program; the pilot Water Conservation Project; and providing Flood Gate Plans for individual homeowners and local builders in Fairfax.

Mayor Tremaine opened the discussion to the public.

Mimi Newton, Chair, Fairfax Open Space Committee, asked for permission to send a letter to the Ross Valley School District that was presented to the Town Council at the previous meeting for their review.

Anya Schandler, Barker Road, expressed concern about the financial, environmental and community impact of a new school at Deer Park and stated that Fairfax was not fairly represented on the School Board.

Donnie Poe, Creek Road, stated that nobody in his neighborhood had been told anything about the School District's plans for a new school at Deer Park; that they had been talking about existing traffic problems in the neighborhood with the Town for years; and expressed concern about Deer Park going from 120 to 280 students.

Mark Bell, Dominga Ave., stated that he wouldn't support a bond for the schools if the architects Rushton-Chartock were involved and expressed concern about traffic if a school were built at the Marin Town and Country Club site.

Janet Garvin, Porteous Ave., stated that there was no notice to the neighborhood of the meeting about the school siting and that she was alarmed by the possible traffic impacts as presented by Trevor Hughes.

Rebecca Burgess, Meernaa Ave., stated that both potential sites in Fairfax were part of the Corte Madera Creek Watershed, that the Marin Town and Country Club was a seasonal wetland, an Indian burial ground and a historical site, and that an impervious surface should not be built on a wetland.

Mallory Geithem, Willow Ave., suggested that the District work with what they had and explore second stories at the existing sites.

Cindy Ross, Lansdale Ave., stated that she lived near Marin Town and Country Club and hadn't heard anything about the proposed new school site; that her son had gone through school in the Ross Valley School District; asked where the money would come from; stated that she wouldn't support a bond; and stated that she didn't want a new school but would support fixing the schools we already had.

Pam Meigs, Cypress Drive, asked that the School District be very careful about their projections and the numbers presented, especially if they were going to put concrete on open space land.

Valeri Hood, Dominga Ave., stated that she had been directed to the Ross Valley School District Web site and that accurate information was not available there. She challenged the numbers presented and stated that \$400,000 for portables sounded better than a \$41 million dollar bond.

Joseph Odom, 98 Porteous Ave., stated that the Town Council had an important role because a school bond wouldn't pass without the support of the Town Council; that an additional bridge and upgrade to the existing bridge at Marin Town and Country Club would be very expensive; that a sidewalk for Deer Park would also be expensive and would involve the removal of trees; that one-way streets in the neighborhood might be necessary to safely handle the traffic; that there should

be time to do environmental studies of both sites; and suggested that a public forum be convened to examine environmental impacts.

Diane Hoffman, Porteous Ave., stated that she had been a school teacher and a real estate broker; that the influx of families with children was due to the housing boom that was over; that the declining real estate market should reduce enrollment; and thanked the Town Council for their questions.

William Hill, Lansdale resident since 1972, suggested that the District either go back to using School Street Plaza or consider the former Albertson's as a site as part of urban renewal.

Vicki Burns, Pastori Ave., stated that the Marin Town and Country Club was a seasonal wetland that flooded; that she had raised two children in the Ross Valley School District; and that a school at the site would have a negative environmental impact and would increase traffic dramatically on a small street.

Valeri Hood, Dominga Ave., stated that Fairfax was under-represented on the Ross Valley School Board and that San Anselmo had the votes to make the decision.

Frank Egger, Meadow Way, stated that the possibility of a school at Marin Town and Country Club raised a number of community issues and that three ballot measures would be necessary to proceed; one to buy the property, one to zone the property and one to build the new school. He described the political history of the property and the zoning that had been accomplished by a vote of the people. He suggested that the Flood Zone District could purchase the back half of the property and the School District could purchase the front portion to satisfy both needs.

David Mollekin, 60 Porteous Ave., stated that he would soon have two young children in the Ross Valley School District but that he also cared about the planet; and reiterated Ms. Sagar's response that second stories didn't provide quality education.

Ryan O'Neil, Open Space Committee, stated that, if the School District valued Fairfax residents, they wouldn't consider the Marin Town and Country Club at all; that he had a 3-year-old and a one-year-old; and that it was the most contested property since the West Bank.

Scott Hochstrasser, stated that he had done pro bono work for the School District in years past and suggested that it be considered an opportunity to create facilities and that it should be done with a positive attitude.

Michael Mackintosh, owner of Marin Town and Country Club, stated that transparency was important; that the Town Council should inform the community about the committees they serve on and what those committees were doing; that FEMA had mapped his property as part of the 500-year flood zone while Fairfax and San Anselmo were mostly in the 125-year flood zone; that if the Town was interested in flood control, the Town wouldn't have increased the pipe's capacity to put four times more water into the creek; that the Town had paid \$900,000 to accommodate drainage from the Hawthorne Hill portion of San Anselmo; and that he would like to keep flood water on his property.

Discussion of letter received from residents on Piper Lane on fire lane turnaround – Ross Valley Fire

Ross Valley Fire Chief Meagor presented the staff report and noted that the turnaround was a requirement of construction and was on private property.

Fairfax Police Sergeant O'Callaghan stated that the Police Department was working with the Fire Department and that they were waiting for the final paving and signage to develop a standard for

enforcement.

Building Official Lockaby suggested that the Town could start an abatement process to get the owner to act.

Carol Ferenchek, Piper Lane neighbor, stated that she represented the neighbors and that they had been fighting with the property owner for years.

There was a consensus of the Council to have staff meet and confer on the issue and present the Council with a plan to address the problem.

Update on the Pavilion Restoration Master Planning process – *Pavilion Restoration Committee*

Karen Arnold, member of the Pavilion Restoration Committee, presented a report about the progress made and noted that they would be applying to the Marin Community Foundation for funding to prepare a feasibility study for the Pavilion improvements.

Vice Mayor Bragman suggested that excavation be done under the Pavilion to create classroom space; that there would be major problems meeting the ADA (Americans with Disabilities Act) requirements for classrooms upstairs; that the space could be created as part of the vision for the Pavilion and as part of the seismic retrofit; and that an archaeologist would have to be on site during excavation.

Councilmember Reed thanked Ms. Arnold for all of her work on the project; stated that there was a need for more storage space; and that the building could be lifted.

Ms. Arnold clarified that a Capital Campaign was necessary to secure the funding for the improvements and that the grant application to the Marin Community Foundation was to begin that process. She explained how important community collaboration was to the Foundation and for the success of the project; that the Foundation was pleased about the cooperative efforts with San Anselmo to provide recreation programs; that they were not trying to change the look of the building; and that there were challenges to any design.

Mayor Tremaine opened the discussion to the public.

Bruce Ackerman, General Plan Advisory Committee, stated that the Town Center Element of the General Plan was before the Town Council and that the Pavilion was an important part of that Element.

William Hill, Lansdale Ave., suggested that the Pavilion be made into a museum in cooperation with Native Americans since it was on a midden and would promote an awareness of the archaeological history of the building.

Councilmember Hartwell-Herrero suggested that more public forums might get more collaborators involved in the project.

Update on the Hazardous Fuel Reduction Grant – *Public Works*

Public Works Director Wilkie presented the staff report. She stated that contracts were needed for community outreach, chipping services and for the clearing of roadside brush, and that the first step was to complete an environmental analysis.

Ross Valley Fire Chief Meagor stated that it would be a two-year grant process with the environmental review followed by public education with the actual vegetation removal possibly a year away.

Councilmember Hartwell-Herrero expressed concern about possible silt and erosion that would be created and the desire to remove non-native species. She stated that she was a Master Gardener and that leaving fallen trees in place was recommended.

Chief Meagor stated that a rotten tree was not a fire hazard but that trees that were infested with sudden oak death could be in the wrong place.

Councilmember Reed stated that the removal days were good for building community and neighborhoods and described a chipper day that was held that could be used as a kind of pilot for the program.

Director Wilkie noted that it would all be part of the environmental review.

Adoption of a Resolution of the Town Council of the Town of Fairfax approving the Maintenance Worker III position and establishing the salary range and deleting the Equipment Operator and Leadworker positions – Town Manager

Town Manager Rock presented the staff report.

Mayor Tremaine opened the discussion to the public.

Frank Egger, Meadow Way, asked if the Town was adding employees; whether or not the Town was paying for street sweeping; and stated that the Town would have been better served to hire a worker to sweep the streets.

Town Manager Rock clarified that no new employees were being added and that the Town would have to buy a new sweeper and someone to drive the sweeper at great expense to provide the service.

M/S, Weinsoff/Hartwell-Herrero, Motion to adopt the resolution approving the Maintenance Worker II position and establishing the salary range and deleting the Equipment Operator and Leadworker positions.

AYES: All

On motion duly made and carried, the meeting was adjourned at 11:50 p.m.

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Regular Meeting
Fairfax Women's Club
Wednesday, February 3, 2010

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

Call to Order/Roll Call:

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

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

Mayor Tremaine called the meeting to order at 7:40 pm.

Approval of Agenda and Affidavit of Posting

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

AYES: All

Announcement of Closed Session Action

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

Announcements

Mayor Tremaine announced the openings on the General Plan Advisory Committee, the Youth Commission, the Open Space Committee and the Affordable Housing Committee and announced a *Project Homeless Connect* event scheduled at the Fairfax Women's Club, Thursday, February 18th, 10 a.m. to 2 p.m., and a Special Town Council Meeting on *Updating Financial Plan and Goals*, set for Saturday, February 27, 2010.

Open Time for Public Expression

Trevor Hughes, Porteous Ave., began to comment on the siting of the new school and was advised that he could speak to the item on the regular agenda.

Presentation by the Ross Valley Sanitary District (RVSD) – Brett Richards, General Manager

Mr. Richards presented an overview of the history and function of the 110-year-old agency. He explained the rate structure, what services were provided, the capital improvements planned, and the availability of grants and loans to the consumer for work done on private laterals. He used a simple drawing to illustrate the private laterals and how they functioned and described the possible blockages that could occur. He stated that loans and grants were available to consumers to clear

such blockages or for other sewer related problems on private property and that interested parties should contact the RVSD.

Councilmember Weinsoff asked about the status of consolidation efforts with Central Marin.

Mr. Richards responded that a consolidation study was being performed and that the decision would be a political one decided by the elected board members.

Councilmember Weinsoff reported that he had been informed that the Sanitary District had not adopted a second tier for retirement for future reduction in retirement costs and recommended that they do so to save the ratepayers money.

Mayor Tremaine opened the discussion to the public.

Rick Holland, Willow Ave., stated that the 1996 Grand Jury report described the fiscal mismanagement of the Ross Valley Sanitary District Board, that he had run for the board unsuccessfully to address the issues brought up in the Grand Jury report; stated that several lawsuits in the past few years had resulted in only two miles of pipe replacements per year; that only seven miles were to be replaced in the current year; that consolidation efforts had stalled because of the financial mismanagement at RVSD; that about one million dollars had been spent on legal fees in the last year; that the work wasn't getting done; and that they were no longer meeting with other districts about consolidation. He requested that RVSD be continually asked to consolidate.

Mark Bell, Dominga Ave., stated that, according to the Grand Jury report, five board members had gone to San Diego on Sanitary District business and had spent a lot of ratepayer money on an expensive dinner.

Mr. Richards noted that the money spent had been paid back to the District.

Diane Hoffman, Porteous Ave. stated that she paid \$1,000/year because she owned a duplex and didn't like hearing that the District didn't need to save money because they were doing so well.

Council Reports and Comments

Councilmember Weinsoff reported that he had attended a Marin County Mayors and Council Members dinner the previous Wednesday at the Town's expense and that he had received an invitation to attend a Flood District meeting for the following Monday and invited the other members to attend.

Town Attorney Karpiak stated that a majority of the Council attending the flood meeting would not violate the Brown Act.

Vice Mayor Bragman reported that he had met with Anita Franzi, U.S. Representative Woolsey's aide, about the Town's sister community in Colombia and the trial of soldiers and paramilitary members who committed murder and where the attorney for the defendants was being threatened. He stated that her office was very responsive and noted that when he was there, her office was filled with Haitian refugees. He also reported on a meeting the previous week that he had attended at the new Community Media Center at 817 "A" Street in San Rafael; stated that if anybody in the community wanted to learn about it, that training was being offered; and stated that it might be possible to televise the Council meetings by the end of the year.

Councilmembers Hartwell-Herrero and Reed stated that they had attended, along with Town Manager Rock, the League of California Cities training for new Council Members, at Town expense.

Councilmember Reed stated that he had also attended meetings about the siting of a new school in the District.

Update on the Ross Valley School District (RVSD) Plans for a new K-5 school at Deer Park site –
Town Manager

Town Manager Rock presented the staff report and outlined four options: 1) Reopen Red Hill; 2) Reopen Deer Park; 3) increase the size of existing schools; or 4) increase the number of portables. He noted that the first three options would require a bond measure. He stated that there had been a public meeting at Manor the previous night and that more meetings were scheduled. He further stated that there was information about the alternatives on the Town's Web site, the School District Web site, and in the Marin Independent Journal.

Vice Mayor Bragman stated that there was insufficient fire flow for the Deer Park site as revealed by the site studies; asked if there was money available to upgrade the fire flow and if there was a tax stream to fund such improvements; and, if a fund existed, whether some of the funds be used to improve the fire flow for the whole neighborhood?

Trevor Hughes, Porteous Ave., stated that he had listened to the tape of the discussion from the last meeting and had been impressed by the Council's comments on the issue; that there were health and welfare issues and environmental impacts that were his concerns about the Deer Park site and the impact on the Town of Fairfax; that it seemed like if the bond were to pass, there would be a school at Deer Park; that the decision would be made soon; that he lived in the area and was naturally going to be called a NIMBY; and asked whether politics got in the way of common sense.

Lou Vaccaro, Olema Rd., stated that he had attended the school board's meeting on the subject; that he had looked at the property to the East of White Hill; that it was a pretty good sized property, half filled with solar panels; that there was already bus service to the school at the site; that the solar panels could be moved; and that it seemed like an ideal location for another school.

Jack Powell, 99 Porteous Ave., stated that residents were interested in preserving the environment at Deer Park; that it provided the main entrance to most hiking and biking trails in Marin; that it housed the best nursery school in the USA; that Porteous Ave was already jammed with traffic at certain times; that a new grammar school would require new sidewalks; that preschool kids didn't leave the school, but that school children would be walking to and from school; and that anybody who supported a school at Deer Park didn't live anywhere near it.

Rick Holland, Fairfax resident, stated that the School Board hadn't made a decision yet; that he had attended all the meetings; that there had been misrepresentations about the Deer Park site; that he was a local realtor; that many of the neighbors were excited about a school at Deer Park; that none of the sites were ideal sites; that 150 more Fairfax children were expected in the schools; and that there was a lot of misinformation about trees being removed and sidewalks being installed in connection with Deer Park.

Helen Fauss, Scenic Rd., stated that the Fire Marshall had said that within 100 feet of the new school building trees would have to be removed and that the Chief recommended that another 100 feet should be cleared. She reported that at a meeting the previous night another possibility was mentioned which was to put the fifth graders at White Hill and that it had originally been planned to have an elementary school at the White Hill site. She stated that, as a member of the Open Space Committee, she was opposed to building in a beautiful space in an idyllic natural setting. She further stated that Deer Park was the headwaters for one of the Corte Madera creeks, contained a native fish breeding ground, had a diversity of nature, was used by picnickers, hikers, dog walkers, and mountain bikers as part of a recreation area. She also stated that to cover the land with buildings and concrete would severely limit the ability of the land to absorb water, noted that the trees helped absorb water too, and that Deer Park was at severe risk for catastrophic fire.

Pam Meigs, Cypress Drive, stated that she had been attending the meetings and didn't realize that the proposed bond was for thirty years and that there was already a school bond that would run for another 12 years; that she believed in quality education and knew that classrooms were crowded because of her granddaughter at Manor School; that she wasn't sure that another bond was sustainable, especially for forty-two million dollars; and suggested that the School District fix what they had and make it better.

Valeri Hood, Dominga Ave., read from a newspaper article that stated that the two towns were at odds over the issue; that the School Board had become more organized around the issue so that information was available on the School District Web site; that the Sir Francis Drake corridor was

the safest place for a school because of the fire danger at the Deer Park site; that she couldn't imagine losing such a beautiful piece of landscape; and that it was upsetting to think that San Anselmo could be deciding what would happen in Fairfax.

Diane Hoffman, Porteous Ave., stated that in 2008 Fairfax residents had gone before the School Board to request support against the brown moth spraying and that the Board hadn't wanted to get involved while the Marin Board of Realtors came out against the spraying. She further stated that she hoped the District would be more responsive to Fairfax regarding the site of a new school and asked for the Council's help.

Catherine Caldwell, Porteous Ave., stated that she understood the issues and asked the Town Council to help keep the school from being at Deer Park.

Robert Schumacher, Porteous Ave., asked for the approximate cost to upgrade the water flow in the Deer Park area; stated that the School Board had asked them about the water flow rate in the area; and stated that there wasn't water available at Bolinas Road making it a very big project to improve the water flow in the Deer Park area.

Joseph Odom, Porteous Ave., referred to safety issues at the Deer Park site and Title 5 regulations that spelled out the safety requirements; stated that the Deer Park site had serious geological problems, and cited Wood Lane and Spring Lane liquefaction incidents; quoted from a checklist for schools, "no site shall be subject to... landslides;" stated that geologic requirements could not be met; that the School Board was making a decision without vetting any of the sites regarding safety; and that safety was the number one priority.

Mark Bell, Dominga Ave., read a list of all the upcoming meetings of the School Board on the issue.

Vincent D'Amico, stated that he didn't care if they had to take down trees or build the school, but he didn't want it done at Deer Park.

Dave, Fawn Drive, San Anselmo, stated that it was a community issue and not a San Anselmo vs. Fairfax issue; that there was a crisis with overflowing classrooms; that only bad choices were available; that everybody needed to get involved to come up with some alternatives; and that the schools were outgrowing the space and something had to be done.

Erik Schweninger, stated that he was not a Fairfax resident but had a daughter at Manor; that he understood all the issues; that the Fairfax-San Anselmo Children's Center (FSACC) had been at Deer Park for 28 years; that they served the lowest income families and the most underrepresented families; that FSACC was a nationally recognized center; that FSACC had spent nearly \$200,000 in the last two years on infrastructure at Deer Park; and that a large population could be adversely affected by the decisions made about Deer Park.

Sierra Salin, Cascade Drive, stated that nothing was more important than education, that the school board was doing their best to find the best solution; that there were time constraints because they were expecting more students; asked how could we create schools that work and keep our money away from killing overseas; and stated that it would be great to work together on solutions.

Fire Chief Meagor stated that the hillside fire flow and Deer Park fire flow were separate issues; that they were in the process of evaluating the fire flow in different areas; that homeowners were charged \$75/year for fire flow; that in February of 2009, the Fire Department was asked to do an evaluation of the Deer Park site; that "vegetation management" didn't mean taking out all the trees; that water flow could be improved; that he had attended a facilities meeting to inform the committee of fire concerns at Deer Park and the other 2 sites under consideration at that time; that he had let them know that they needed to address emergency evacuation and vegetation management; and that schools were under the jurisdiction of the State Architect and the State Fire Marshall.

Vice Mayor Bragman noted that 440 gallons of water per minute was available at the 199 Porteous hydrant and asked if an upgrade for Deer Park would have a positive impact on other areas in the neighborhood and was assured by Fire Chief Meagor that it would but that he wasn't sure which main you would tap into for the increased waterflow.

Councilmember Reed stated that seeing the damage that slides could do was important; that it was an incredibly difficult problem with no easy solutions; that the liquefaction factor could be a deal

breaker; that things could be done with traffic; that he had worked with Safe Routes to School to get people out of their cars; that there were mitigation measures that were possible; that looking at the Red Hill site might be a good solution; and that nothing was ideal but a solution was needed for the community and our children.

Councilmember Hartwell-Herrero, stated that she felt like the Council had a request from their community to delay the decision to properly pursue the alternatives before making a decision

Mayor Tremaine stated that his preference would be to add more to existing sites or to look more carefully at Red Hill, but noted that they would be considering the issues, and would have other opportunities to speak to the issue.

CONSENT CALENDAR

Accept and File Monthly Finance Reports for December, 2009 – Finance

Authorize the Town Manager to sign a Consultant Services Agreement for Audit Services with Maze & Associates for the fiscal years 2008-2009; 2009-2010; 2010-2011 - Finance

Adoption of Proclamation honoring the League of Women Voters on the Occasion of their 90th Anniversary

Report on the status of the General Plan Update – Planning

Adoption of a Resolution of the Town Council of the Town of Fairfax Adopting the Fee Schedule Established by the Marin General Services Authority for Taxicab Regulations – Town Clerk

Adoption of a Resolution of Intention to Approve an Amendment to the Contract between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Fairfax to Reflect the change to 2% at 55 retirement for Newly Hired Miscellaneous Members – Town Clerk

Adoption of 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 13, 2010 – Town Clerk

Adoption of a Resolution of the Town Council of the Town of Fairfax authorizing the issuance of the second private placement tax and revenue anticipation note (TRAN) for the 2009-10 fiscal year - Finance

Adoption of a Resolution forwarding model Green Building Ordinance to the Planning Commission for consideration per the Town Zoning Ordinance – Planning

Report on Parks and Recreation Commission support of a proposed batting cage at Central Ballfield – Town Manager

Adoption of a Resolution of the Town Council of the Town of Fairfax promoting expedited implementation and completion of scheduled flood control work in Corte Madera Creek ("Unit 4" in Kentfield and Ross) by the U.S. Army Corps of Engineers.- Weinsoff

Mayor Tremaine reviewed the items on the Consent Calendar.

Councilmember Weinsoff read from the Proclamation honoring the League of Women Voters and acknowledged the presence in the audience of Fairfax resident Marcia Hagen representing the League.

Vice Mayor Bragman asked that the item regarding the Town Manager's job description be taken off the Consent Calendar for discussion and that the item in support of AB 909 be withdrawn from consideration because it was no longer pertinent.

M/S, Bragman/Hartwell-Herrero, Motion to remove the item regarding the Town Manager's job description for discussion.

AYES: All

M/S, Weinsoff/Reed, Motion to remove approve the Consent Calendar with the deletion of the item regarding AB 909.

AYES: All

Adoption of a Resolution of the Town Council of the Town of Fairfax approving the job specifications for the Town Manager position - *Town Manager*

Vice Mayor Bragman stated that he had gone through the process of changing from a Town Administrator to a Town Manager; that the Town Council should have input on changes to the duties; that he had asked to add some reporting standards regarding the Town Manager back in June and that it was done in closed session at that time; that the financial reporting was given to the Town Council after the cash transactions, so they were behind the obligations at times; that the job specifications should be discussed in a closed session of the Council, not presented as a Consent item; that some of the description presented was in conflict with the Town Code; and that he would like to have it done as a collaborative effort. He also noted duties not included in the proposed description, unclear wording in the Town Code, and the omission of suggested changes requested previously.

M/S, Bragman/Reed, Motion to continue the item to the next meeting.

AYES: All

Mayor Tremaine adjourned the meeting for a break from 9:26 p.m. to 9:40 p.m.

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

Town Clerk Anderson presented the staff report.

Mayor Tremaine opened the public hearing and closed the public hearing when no speakers came forward.

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

AYES: All

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

AYES: All

Discussion of the status of the perchlorethylene (PCE) spill at the Fair Anselm retail center –
Bragman (Continued from 1-13-10)

Vice Mayor Bragman noted that since the last meeting he had corresponded with the attorneys for the property owner and had spoken to the Department of Toxic Substance Control (DTSC); stated that the parties were in the process of doing a Consent Order that would specify testing procedures so that the testing could be done and mitigation measures implemented; and that he wanted to get the matter addressed as soon as possible.

George Bianchini, Broadway Video co-owner with his wife, presented a packet of information to the Council. He stated that he had been in the area for 54 years and had attended local schools; that he had owned Broadway Video since 1985; that he had paid for the Town's canine and graffiti removal programs; that the package he submitted included information on the \$8500 state-of-the-art testing of the health club that he had paid for himself; that he had done the testing to find out why his staff was sick and why he was sick; and that he intended to reopen the video store. He highlighted some of the results of the testing at the site and requested copies of the reports that Town Manager Rock had referred to that said that testing had come up clean. He further stated that his employees were being denied unemployment benefits because of the publicity about the contamination; that PCE turned into gas that was used in WWI to kill people; and that the building should be monitored.

Mr. Bianchini stated that there were other things going on at the building including the presence of lead and asbestos in amounts exceeding standards, structural beams that were in very bad condition, and concrete posts under the building that were failing. He stated that 120 days into the incident, the Town Manager's blog reported that he was in contact with the DTSC (blog 56), that plans would be in place and the remedial plans presented to the Council in four weeks, but that nothing had yet been done. He stated that he had no problem with the Town, that it was a landlord-tenant dispute, but that it affected a lot of people; that people were living under the building; that the Town should at least get the homeless people out of there until it was determined whether or not the site was contaminated; and that the problem at the cleaners had been fixed but not at the Mario's restaurant site before he moved the video store into that location.

Vice Mayor Bragman stated that he had been trying to stay on top of the issue at DTSC; that he had talked to Matthew Wayne at that agency; that it was a very frustrating experience; that there was a layer of legal representation on the part of the landowner; that it was not easy to get responses from the agencies involved; that the Town Manager had also corresponded with DTSC; and that it wasn't a quick acting agency.

Councilmember Weinsoff noted that it was a landlord/tenant dispute but that the Town could have some responsibility because of the potential for off-site migration of pollutants and asked what else the Council could do.

Vice Mayor Bragman, in response to Councilmember Weinsoff's question about what the town could do, described his efforts to introduce an ordinance banning harmful and toxic cleaning chemicals to facilitate change to non-toxic ways to clean garments; stated that he was working on a countywide ordinance with Supervisor Brown that would allow dry cleaning businesses the useful life of their current machinery before they would have to switch to a non-toxic alternative; and noted that they needed to be aware of the possible migration of the chemicals into the creek.

George Bianchini stated that since the Town was going to be sure that the agencies involved would be working to solve the contamination issue, he suggested that the other issues that he had described in the building be addressed. He stated that he was willing to hold the town harmless if it will help communication on the issues he had raised.

Brett "Blue" Marsh, former employee of Broadway Video, stated that he was present to support George Bianchini and to represent other employees; that he had been in Fairfax for 3 years; that he was a victim of Katrina who came to Fairfax to go to school and to become a standup comic and a massage therapist; that he was thinking about doing a movie about the video store; that working at the video store helped him adjust; that it hurt not to have the store; that it was unfair that George was getting hammered in the papers; that he hoped that something positive could come out of it; and that it put a big hole in Fairfax when the video store closed.

Discussion of a deep green discount for entities providing security for the implementation financing of the Marin Clean Energy program – Tremaine (Continued from 1-13-10)

Mayor Tremaine presented the report. He stated that the Marin Energy Authority (MEA) had passed a resolution at their last meeting to offer discounts on energy use to organizations that provided financing; that the Marin Board of Supervisors had contributed \$950,000 for the second phase on a three to two vote; that the County had shouldered most of the financial burden for MEA; and that he was requesting that the Town Council direct staff to come up with an amount to offer to the County for financing in the range of \$47,000 to \$50,000 to lower the County's financial liability. He stated that MEA would like a sum more like \$100,000, but wasn't asking any of the cities for contributions and that he would like to have staff work with MEA to come up with an appropriate level of commitment from the Town of Fairfax.

Councilmember Weinsoff recalled that he had been told that the towns that chose to join MEA were at no financial risk when Dawn Weisz of MEA had made her presentation to the Town Council. He further stated that it was not the money but it was the inherent risk involved that concerned him; that Fairfax didn't have that kind of money to contribute; that it would open the way for PG&E to add Fairfax to future litigation; and that he wanted MEA to indemnify the Town .

Mayor Tremaine stated that the PG&E proposition to be on the June ballot was a bigger risk; that he didn't think the initiative would pass; that legal counsel for MEA had stated that there wasn't a risk to the members; that PG&E was wearing an ugly public face; that it was worth the investment; that the benefit being offered for investors was a discount on utility bills; that the principle that the Town was stepping up was more important than the savings to be gained.

Vice Mayor Bragman ascertained from staff that such a loan would not affect the Town's bonding limit.

Mayor Tremaine opened the discussion to the public.

Lou Vaccaro, Olema Road, stated that he had been watching the MEA as it formed; stated that PG&E's tiered rate system had started in the 1970's when Jerry Brown was governor; that renewable power was not dependable power; that solar energy didn't turn on the lights in the middle of the night but was great in the summer when demand was high; and that the County was going to sign a contract with Shell who had about 6% renewable energy. He described how energy was distributed in Marin County; stated that it wasn't possible for Shell's energy to get to Marin County; that geysers ran out of steam so there were no more power plants using steam; questioned how energy would be delivered green to one neighbor and not green to another; read from a letter to the editor that he had written that was critical of MEA; and questioned the "opt out" process.

Mark Bell, Dominga, stated that he was skeptical of statements made by PG&E about their green power goals.

M/S, Hartwell-Herrero/Bragman, Motion to direct staff to explore the request from Mayor Tremaine to contribute to the Marin Energy Authority.

AYES: All

There was a consensus of the Council to move the item regarding the Tobacco Control Ordinance to be heard next on the agenda.

Discussion and Consideration of an Ordinance Expanding Fairfax's Tobacco Control Ordinance to Include Certain Multi-Unit Apartment Buildings – Bragman

Vice Mayor Bragman presented the report. He posed the question of whether the rights of smokers outweighed the health of their neighbors; noted that smoking was the leading cause of fire in our community; that the proposal would expand the Town's current ordinance to apply to multi-unit housing with options to consider; that the process needed to be done slowly and properly; that perhaps a Saturday meeting could be held so that the community could discuss the issues; that the fundamentally dangerous consequences of tobacco and the tobacco industry couldn't be ignored;

and that the Council prided itself on health and safety and needed to examine the issue. He reported that Novato and Richmond were two cities that had adopted similar ordinances to the one proposed and that they had worked very well in the communities where they had been adopted. He introduced Elizabeth Emerson and Bob Curry of Smoke-Free Marin who were present to speak to the issue.

Bob Curry, Coordinator of the Tobacco Related Disease Control Program for Marin County, stated that he had worked with Fairfax before; that his agency had legal counsel available to help get the proper ordinance for Fairfax; and that he was working with three other jurisdictions in Marin. He further stated that he worked in three areas: educating youth, youth access to smoking (no retail sales to youth), and cessation of smoking assistance. He reported that the second hand smoke issue was no longer debatable and that he often received calls about second hand smoke from tenants in multi-unit housing. He introduced Elizabeth Emerson as one of the most respected tobacco control experts in the country who was working as their policy consultant.

Elizabeth Emerson recalled helping the Town with their smoking ordinance in the 1990's. She stated that the most recent campaign being used by the tobacco industry was that the rights of smokers were being violated; that they had launched a public campaign for other communities like Novato to support their efforts to pass an ordinance; that they had decals for all businesses to post on their doors; that they had a Web site, smokefreemarin.com, where a publication simplifying the ordinance for the business owners was available; that the Smoke Free Coalition had been in existence since 1990; and she described all the organizations that supported their efforts. She referred to warning letters they had sent to businesses when necessary. She further stated that Novato hadn't written a citation in 18 months; that the public opinion survey showed that 75% were in favor of such an ordinance; that compassionate outreach to smokers had been successful; and that, when Marin County received money from the tobacco company lawsuit, it was used for programs not roads.

John Reed suggested compassion for smokers who were trying to quit and that helping them to quit should be part of any program.

Vice Mayor Bragman suggested that staff work with Bob and Elizabeth on the issue along with the community, the tenants and the property owners and that the ordinance and approach should grow out of input and discussion.

M/S, Hartwell-Herrero/Weinsoff, Motion to have staff work with Smoke Free Marin to conduct a workshop on the issue.

AYES: All

Mayor Tremaine opened the discussion to the public.

Mark Bell, Dominga Ave., stated that smokers already couldn't smoke within 20 feet of a doorway; that he didn't have a problem not smoking in a restaurant, but asked where the regulation would stop; that he didn't support tobacco companies but if you couldn't smoke in your own apartment or on the deck, it was very limiting; that there were other health concerns to address; and that just one group shouldn't be picked on.

Discussion of Pilot Water Conservation Project - Hartwell-Herrero (Continued from 1-13-10)

Councilmember Hartwell-Herrero reported that Fairfax had been selected for a water conservation pilot program; that the program was for two years; that all Fairfax residents would be contacted to inform them of all the water conservation programs and tools available from the Marin Municipal Water District; and that ordinances would be forthcoming. In response to a question from Councilmember Weinsoff, she acknowledged that some of the programs, like rebates for toilets and other fixtures, would be subject to funding availability; and she encouraged everyone to review their

water bills to learn about their usage.

Discussion of providing Flood Gate Plans for individual homeowners and local builders in Fairfax – Reed (Continued from 1-13-10)

Councilmember Reed reported that the Town provided floodgate plans after the 2005 flood and had funded some of the installations for merchants and suggested that floodgate design plans should also be made available to everyone who lived in the flood zone. He stated that a sample design and installation instructions were available at Town Hall.

Mayor Tremaine suggested that the Volunteer Board might be able to get involved in spreading the word and that the information could also be placed on the Web site.

Town Manager Rock cautioned that flood gates weren't appropriate for most residential homes and suggested that homeowners check with the Town's Building Official before installing them. He noted that they worked well in flat areas but not everywhere else.

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

Town Clerk Anderson presented the staff report.

Vice Mayor Bragman stated that it was something the Council was forced to do that was a result of the poor handling of the economy and that he hoped it could be reversed some day.

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

AYES: All

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

AYES: All

Town Manager Rock noted that employees had begun paying a portion of the retirement costs, were forming a healthcare committee to explore less expensive options for health programs, and had agreed to eliminate raises.

Annual Report from the Fairfax Festival Committee and Request for paid support for Festival – Richard Pedemonte

Town Manager Rock presented the staff report and noted that the Festival had grown to the point where the all-volunteer effort might warrant the addition of paid staff to facilitate the event. He clarified that the Festival Fund was a part of the Town budget so that such a decision would be made by the Town Council. He also stated that the Festival did not completely pay for itself because the actual costs weren't all included in the accounting.

Finance Director Ireland-Ashley stated that she would be allocating actual costs to different accounts in the budget including the Festival to better define the expense related to the functions.

Vice Mayor Bragman stated that the Festival had been paying the police overtime as well as the public works overtime for a few years and that the Festival actually had a surplus in the fund which it hadn't always had in the past.

Discussion of Measure F and Measure I Oversight Committees – Bragman

Vice Mayor Bragman suggested that a meeting be called for the Measure F Oversight Committee before going forward with the Measure I Oversight Committee.

There was a consensus of the Council to hold such a meeting to finalize their efforts before the Measure I Committee was appointed going forward.

Town Manager Rock stated that the Finance Director would convene the Measure F Committee for a meeting as requested.

Mayor Tremaine adjourned the meeting at 11:35 p.m.

MINUTES
FAIRFAX TOWN COUNCIL
SPECIAL MEETING

Fairfax Town Hall
Monday, February 10, 2010
8:30 a.m.

CALL TO ORDER

Convene in Open Session

Mayor Tremaine convened the meeting at 8:30 a.m.

Roll Call:

TOWN COUNCIL: Larry Bragman
 Pam Hartwell-Herrero
 John Reed
 Lew Tremaine
 David Weinsoff

STAFF: Michael Rock, Town Manager
 Jim Karpiak, Town Attorney

Mayor Tremaine adjourned the meeting to Closed Session on the following matter:

CONFERENCE WITH LEGAL COUNSEL pursuant to Government Code Section
54956.9(a), PENDING LITIGATION, Marin Superior Court No. CV 086177, Town of Fairfax
v. John and Marlia Berg

Re-Convene in Open Session

Announcement of Closed Session Action

Nobody from the public was present and no announcement was made.

The meeting adjourned at 9:30 a.m.

Respectfully submitted,

Michael Rock
Town Manager

MINUTES
FAIRFAX TOWN COUNCIL
SPECIAL MEETING

Fairfax Town Hall
Monday, February 22, 2010
8:30 a.m.

CALL TO ORDER

Convene in Open Session

Mayor Tremaine convened the meeting at 8:35 a.m.

Roll Call:

TOWN COUNCIL: Larry Bragman
 Pam Hartwell-Herrero
 John Reed
 Lew Tremaine
 David Weinsoff

STAFF: Michael Rock, Town Manager

Mayor Tremaine adjourned the meeting to Closed Session on the following matter:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Govt. Code Section
54957 Title: Town Manager

Re-Convene in Open Session

Announcement of Closed Session Action

Nobody from the public was present and no announcement was made.

The meeting adjourned at 9:35 a.m.

Respectfully submitted,

Michael Rock
Town Manager

**TOWN OF FAIRFAX
STAFF REPORT**

TO: Mayor, Members of the Town Council

FROM: Michael Rock, Town Manager
Jim Moore, Planning and Building Services Director 

DATE: March 3, 2010

SUBJECT: Council Report: Progress on the General Plan Update

DISCUSSION

Overall progress to date on each of the remaining six individual elements of Town's General Plan being updated is as follows:

- The Planning Commission is in the final stages of reviewing and editing the draft **Safety Element**; this will be the next element that will be forwarded to Town Council.
- The GPAC commenced review of the draft **Open Space Element** on February 25th; this draft was recently completed after months of work by an ad-hoc subcommittee made up of a Planning Commissioner, members of the Open Space Committee, as well as members of GPAC.
- A GPAC ad-hoc subcommittee is nearing the completion of producing a draft **Land Use Element** after several months of work; this will be the next element forwarded to GPAC.
- A new GPAC ad-hoc subcommittee has been formed to complete production of a draft **Conservation Element**; the subcommittee is comprised of both members of the Planning Commission and GPAC – in order to expedite subsequent review on this important element.
- The Affordable Housing Committee held a second round of "site capacity studies" for senior housing on the Lutheran Church site on February 17, 2010; and now with the results of the site capacity studies (on both the Lutheran Church and the Olema site (i.e., the old Mandarin Gardens Restaurant site) - the prime consultant and staff will complete the updating of the draft 2006 **Housing Element** for review by the GPAC; and
- The prime and sub-consultants have completed the background study for the **Noise Element**, and will eventually begin drafting this final element.

Please note: after all six remaining elements have been reviewed by the Town Council, all eight drafted elements of the updated General Plan will be "packaged" for Council's final review and adoption pending environmental review.

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager 
Kathy Wilkie, Public Works Director

Date: March 3, 2010

Subject: Approve the Notice of Completion for the Glen Drive Culvert Project.

RECOMMENDATION

Approve the Notice of Completion for the Glen Drive Culvert Project.

DISCUSSION

On August 5, 2009, the Town Council authorized the Director of Public Works to advertise and award the contract for the Glen Drive Culvert project. Michael Paul Company, Inc. submitted the lowest bid of \$89,500, and was awarded the contract on September 1, 2009. Unforeseen conditions including unexpected voids under the pipe required additional excavation and concrete. The cost of the extra work was \$10,707.

Michael Paul Company, Inc. met all the terms and condition of the contract, and completed the project for a total cost of \$100,207 as of January 26, 2010. The Town is required to file a Notice of Completion with the Marin County Recorder's office. The Notice of Completion is attached.

FISCAL IMPACT

All retention and any other monies owed to the Contractor will be released upon recordation of the Notice of Completion.

ATTACHMENTS

1. Glen Drive Culvert Project Notice of Completion

COMPLETE THIS INFORMATION:
RECORDING REQUESTED BY:
Town of Fairfax

AND WHEN RECORDED MAIL TO:

**Town Clerk
Town of Fairfax
142 Bolinas Road
Fairfax, CA 94930**

THIS SPACE FOR RECORDERS USE ONLY

**TOWN OF FAIRFAX
NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN:

1. That on the 26th of January 2010, the public works project known as:

Glen Drive Culvert Project

was completed upon the property at the following location:

Glen Drive in the Town of Fairfax

2. That the name and address of the party filing this Notice is:

Department of Public Works, 142 Bolinas Road, Fairfax, CA 94930

3. That the name and address of the contractor responsible for the construction of said public projects is:

**Michael Paul Company, Inc.
1200 Casa Grande Rd.
Petaluma, CA 94954**

4. That the name of said contractor's surety is:

Old Republic General, Pasadena, CA

5. That the general description of the public project was:

**Storm drain pipe replacement, header wall construction and culvert repair
Total cost = \$107,207.**

March 3, 2010

Date



Kathleen S. Wilkie, Director of Public Works

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

**From: Michael Rock, Town Manager
Laurie Ireland-Ashley, Finance Director**



Date: March 3, 2010

Subject: Adoption of a Resolution Approving the Administrative Assistant II position and Establishing the Salary Range, and deleting the Administrative Assistant I position.

RECOMMENDATION:

Approve the following personnel actions:

1. Approve the creation of the Administrative Assistant II job classification.
2. Approve the job specifications and salary range for the Administrative Assistant II.
3. Delete the Administrative Assistant I position.

DISCUSSION:

The Town Manager and the Service Employees International Union (SEIU) representatives met in good faith to establish a new agreement for FY 09/10 and FY 10/11. The Agreement was adopted by the Town Council at the October 7, 2009 meeting. Part of the Agreement required both parties to conduct a job audit to insure that job specifications were consistent with the current needs of the Town and all employees were in the appropriate classifications. The job audit included employee self-evaluations, supervisor evaluations, review of time logs and review of other local municipality job classifications.

SEIU employees began preparing daily time logs in June 2009 and will continue the practice indefinitely. The time logs track time spent on all assignments performed each day. This information was used to determine if the existing job specifications were still representative of work assignments. The result of the job audit revealed that the current practices make the Administrative Assistant I obsolete and a more appropriate job specification is needed for more experienced workers. A review of job specifications for other small agencies revealed that the Administrative Assistant II classification is frequently used when employees are assigned higher levels of responsibility and demonstrate more advanced skills.

The Administrative Assistant II position proposed creates a more flexible classification that incorporates both Administrative Assistant I activities and more advanced administrative operation skills. The salary range proposed for the new job classification is 2.25% higher than the Administrative Assistant I classification.

FISCAL IMPACT:

There is only one employee potentially qualified for the Administrative Assistant II position and they are currently at the top step on the Administrative Assistant I range. This maximum increase in wages would be \$1,068 per year plus a slight increase in PERS contributions. The increase will be offset by the employees' agreement to contribute 1.5% (\$61.28) of the employee's 8% (\$326.80) share of PERS contributions. The Town will continue to pay the employers 12.84% (\$524.51) PERS contribution which will increase by \$18.55 per year per employee.

The net cost to the Town is \$ 1,087 per year including PERS contributions.

ATTACHMENTS:

1. Resolution Adopting the Administrative II classification and deleting the Administrative I classification
2. Administrative II job specification

RESOLUTION NO. ____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
APPROVING THE ADMINISTRATIVE ASSISTANT II POSTION AND ESTABLISHING
THE SALARY RANGE FOR SAID POSITION, AND ADDING THE POSITION TO THE
MISCELLANEOUS UNIT CLASSIFICATION, AND DELETING THE ADMINISTRATIVE
ASSISTANT I POSITION**

Whereas, the Town wishes to establish the position of Administrative Assistant II and delete Administrative Assistant I; and

Whereas, the Town Council is required to approve any revisions to the Town's position classification schedule.

Now, therefore, be it resolved that:

1. The position of Administrative Assistant I is hereby reclassified to the position of Administrative Assistant II.
2. The position of Administrative Assistant II is hereby established as a miscellaneous unit classification, with all the rights, privileges and benefits afforded miscellaneous employees as specified in Resolution No. 09-68, a Resolution of the Town Council of the Town of Fairfax Establishing Wages and Benefits for Miscellaneous Employees for the period of July 1, 2009 through June 30, 2011, and as further specified by any subsequent resolutions amending or superseding Resolution No. 09-68.
3. The Monthly Salary Schedule effective April 1, 2010 shall be established as follows:

Position title:	Step A	Step B	Step C	Step D	Step E
Administrative Assistant II	3361.00	3529.00	3706.00	3891.00	4085.00

The foregoing Resolution No. ____ was duly and regularly passed and adopted at a Regular meeting of the Town Council of the Town of Fairfax held in said Town on the 3rd day of March, 2010 by the following vote, to wit:

AYES:
NOES:
ABSENT:

LEW TREMAINE, MAYOR

Attest:

Town Clerk

TOWN OF FAIRFAX

JOB CLASSIFICATION: ADMINISTRATIVE ASSISTANT II

DEFINITION: Under general supervision from the management or supervisory personnel, to be the primary answering point for all general inquiries from the public, and perform a wide variety of clerical and administrative duties.

DISTINGUISHING CHARACTERISTICS

Positions allocated to this classification must perform work which requires considerable independent action and is directly related to the departmental staff members' duties and responsibilities, assisting him/her with various administrative details. Employee performs a wide variety of moderately complex clerical and coordinative operations under general supervision. The precise nature of the duties may range from record keeping and tabulation to general receptionist tasks dealing with the public. Frequent public contact on a variety of questions involving departmental procedures in making referral to appropriate source if not able to answer the question first; gives information and explains policies, procedures, or regulations in response to inquiries, using knowledge of organization and its functions.

AREAS OF RESPONSIBILITY

- Responsible for performing tasks or completing processes which require a general working knowledge of a particular department, organization, or program area.
- Perform clerical and/or administrative duties related to assigned functional area and department; assist the public in person and on the telephone with requests or questions regarding area of assignment; and make referrals as appropriate.
- Act as receptionist: answer the telephone and wait on the general public, providing information on department programs, policies, and procedures; interpret, apply, and explain policies and procedures related to area of assignment as appropriate.
- Coordinate project(s) as assigned; utilize independent judgment and initiative within scope of responsibility; research, compile, and analyze data for special projects and various reports; prepare correspondence and supporting documentation relating to area of assignment.
- Type, enter, proofread and process a variety of documents including general correspondence, reports, and memos, from rough draft or verbal instructions. Maintain accurate records and files of assigned projects.
- Issue, receive, type and process various applications, reports, permits, and other forms; register participants in Town sponsored programs; update and maintain copies of forms and routine documents for public use; collect and process fees, charges, and receipt monies.
- Provides information to employees, public, supervisors or other personnel by researching files for solutions; may refer visitor or caller to other appropriate sources of information.
- Maintains departmental files
- Assist with assembly of Town meeting packets and when required takes and prepares minutes for Town meetings.

- Coordinates with supervisor the clerical tasks required by each department by assignment priorities, providing technical assistance as needed.
- Handles rentals of Town owned buildings, giving out general information, collecting fees, and issuing refunds as appropriate.
- Functions as backup for the Community Resources Coordinator, and is cross trained in all those duties.
- Operate standard office equipment and receive, sort, scan, and distribute incoming and outgoing mail; order supplies; schedule appointments and meetings.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS:

Requires 3 years of office experience and sufficient education, training and/or work experience to demonstrate possession of the following knowledge, skills, and abilities:

- Knowledge of office procedures; office equipment; telephone etiquette; basic arithmetic; rules of proper English usage, grammar, punctuation, and spelling; business letter and report writing; filing and record keeping.
- Computer literate in MS Office, with emphasis on Word, and Excel
- Principles of customer service and reception techniques.
- Ability to take and prepare minutes of meetings
- Ability to exercise judgment and tact in dealing with the public and other employees; to communicate clearly and concisely, both orally and in writing.
- Ability to work under minimal supervision and prioritize work
- Ability to clearly explain policies, procedures, and regulations
- Ability to identify and correct errors in English usage, sentence structure and punctuation; perform basic arithmetic calculations
- Ability to work with a variety of people; monitor the activities of volunteers.

SPECIAL REQUIREMENTS

Essential duties require the following physical skills and work environment:

Intermittently twist, bend, kneel, and squat to reach files, supplies and equipment; intermittently walk to various office locations and climb stairs; use telephone, and write or use keyboard to communicate through written means; occasionally run errands; lift or carry weight of 10 pounds.

SALARY SCHEDULE

Position title:	Step A	Step B	Step C	Step D	Step E
Administrative Assistant II	3361.00	3529.00	3706.00	3891.00	4085.00

Adopted March 3, 2010

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

**From: Michael Rock, Town Manager
Judy Anderson, Town Clerk**

Date: March 3, 2010

Subject: Adoption of a Resolution of the Town Council of the Town of Fairfax Approving a Facility Use Policy for Special Events sponsored by the Parks and Recreation Commission

RECOMMENDATION

Staff recommends that the Town Council continue this item to the April 7, 2010 meeting.

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager 
Laurie Ireland-Ashley, Finance Director

Date: March 3, 2010

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

RECOMMENDATION

Approve the budget amendment for \$8,000 for the FY 09-10 to hire a part-time Accountant.
Approve the job specifications and salary range for the Accounting Technician.

DISCUSSION

The Town has been in need of additional staff support to the Finance Department for several years as noted in the last several audit reports. When the budget was adopted on July 1, 2009 for the fiscal year 2009/10 the Town Council remarked that the Finance Department would need additional support to fulfill the tasks outlined by the Town's Auditing firm. The additional support of the Accountant will allow the Finance Department to complete the FY 2008/09 audit as soon as possible without falling behind on all the other functions mandated by government accounting standards and other laws.

The Accounting Technician job description defines the duties and hourly salary schedule for the position.

FISCAL IMPACT

The net cost to the Town is \$8,000 for the remainder of FY 09-10. This new expenditure will be allocated to the 01-241-421 account code (Finance Department, temporary employees line item) and will be funded through other savings already gained in the General Fund through under expending by the Finance and other departments.

Town of Fairfax

ACCOUNTANT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

Under general supervision, to perform paraprofessional and complex clerical accounting work in support of an assigned area; to apply established accounting principles and procedures to defined accounting systems; provide functional supervision; and to perform related work as required. This is a part-time position (approx 20 hours per week).

CLASS CHARACTERISTICS

The employees in this class perform paraprofessional accounting duties, requiring the exercise of independent action based on their knowledge and application of accounting rules, regulations, laws and ordinances. Incumbents in this class may lead the work of subordinate clerical accounting staff.

EXAMPLES OF DUTIES – *Examples of duties performed by employees in this class may not include all required duties, nor are all listed tasks necessarily performed by everyone in the class.*

Maintains and balances general and/or subsidiary accounting ledgers, makes journal entries, posts to general and subsidiary ledgers; closes and balances accounts and prepares bank deposits and reconciliation; audits cash receipts and disbursements; participates in processing accounts receivable and payable; prepares warrants; prepares statements, reports, spreadsheets and budgets from a variety of data in accordance with specific reporting format and accounting principles; analyzes and verifies a variety of accounts, grants, bonds and revenues; assists in budget preparation; creates a variety of new accounts; researches computer errors and makes appropriate corrections; assists professional staff in collecting accounting information and in formulating related accounting reports; maintains personnel leave records and retirement data; prepares and processes Town payroll and related disbursements; maintains payroll and other financial software system; receives monies and fees from the general public; provides general information as required; may lead, train, and participate in the evaluation of the work of other clerical accounting staff; if a notary may notarize loans and other required documents; and performs related duties and responsibilities as required.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of paraprofessional municipal accounting and investment procedures;
Principles and procedures of financial record keeping and reporting;
Applicable computer software and programs;

Accounting Technician (Continued)

Methods, practices and terminology used in preparation and maintenance of accounting reports; and Personnel rules, policies, labor contracts, and procedures related to payroll processing and retirement.

Ability to:

- Understand, interpret and apply the principles, laws, codes, ordinances, and procedures involved in financial record keeping and clerical accounting functions;
- Analyze existing procedures and recommend new service delivery methods;
- Prepare clear and concise financial and statistical reports;
- Maintain confidentiality of required data and information;
- Operate a variety of office equipment including a computer and related software programs;
- Communicate clearly and concisely, both orally and in writing;
- Supervise, lead, train and evaluate; and
- Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: Three years of increasingly responsible technical accounting experience, preferably in a municipal accounting environment.

Training: Equivalent to the completion of the twelfth grade, supplemented by college level course work in accounting or a related field.

WORKING CONDITIONS

Environmental Conditions: Office environment; exposure to computer screens; public contact.

Physical Conditions: Essential and marginal functions may require maintaining physical condition necessary for sitting or standing for prolonged periods to time; speaking and hearing to exchange information; visual acuity to read and interpret information.

Salary Schedule

Position title:	Step A	Step B	Step C	Step D	Step E
Accounting Technician	35.00	36.75	38.59	40.52	42.54

Adopted March 3, 2010

Memorandum to Town Council Re: Fair Anselm Status

I have been in contact with Jeffrey Scharff, an attorney representing the Friedman family. I have also attempted to contact Matthew Huang, the contact person for the Department of Toxic Substance Control. Mr. Huang did not respond to my inquiry.

According to attorney Scharff, the Friedman's consultant Dr. Ijaz Jamall DABT of Risk Based Decisions, drafted and submitted an Indoor Air Assessment workplan to the Berkeley office of the California DTSC. The document was dated February 4. Mr. Scharff's office is awaiting review of the draft workplan by DTSC.

A request was made for a Voluntary Cleanup Agreement with the Department. The owners are asking for the oversight by the Department for the review and approval of the workplan for an Indoor Air Assessment in accordance with their guidelines and protocols. Unfortunately, until the question of the structure of the oversight agreement can be resolved, the actual review of the workplan and implementation of the assessment is on hold.

February 24, 2010

Larry Bragman