

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, December 5, 2012

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 7:00 p.m.  
- Public Employment pursuant to Government Code Section 54957(b)(1) Title: Town  
Manager and Conference with Legal Counsel- Anticipated Litigation pursuant to  
Government Code Section 54956.9(b): one potential case

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 Hartwell-Herrero called the meeting to order at 7:10 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 Hartwell-Herrero announced that action was delayed on the personnel matter (Town  
Manager) for further deliberation. The Council advised legal counsel relative to the anticipated  
litigation.

Announcements

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

Reorganization

Reorganization of Town Council: Election of Mayor and Vice Mayor

M/S, Bragman/Weinsoff, Motion to elect Vice Mayor Reed Mayor for the upcoming year.  
AYES: All

M/S, O'Neil/Hartwell-Herrero, Motion to elect Councilmember Weinsoff Vice Mayor for the  
upcoming year.  
AYES: All

## Reports and Presentations

### Presentation to outgoing Mayor Hartwell-Herrero

The Council thanked outgoing Mayor Hartwell-Herrero for her year of service as Mayor and presented her with a gift.

The Council took a 15-minute break for refreshments at 7:20 p.m.

### Presentation of the 2010-11 Audit by Katherine Yuen, Maze and Associates Accountancy Corporation, Finance

Finance Director Vivrette presented a brief staff report.

Ms. Kathryn Yuen, representing Maze and Associates, reported her firm was able to give an unqualified (clean) opinion on the Town's basic financial statements. The financial statements present fairly in all material respects the respective financial position of the governmental activities. The audit did disclose deficiencies, but not material weaknesses in the internal controls.

Councilmember Weinsoff asked Ms. Yuen if she was satisfied that they were meeting the highest standards of accountability with regard to how they manage the community's money. Ms. Yuen stated she could not answer that question but the firm issued a report on internal controls and found no material weaknesses.

Councilmember Bragman asked for clarification regarding the new terminology- restricted, committed, assigned, and unassigned funds.

Town Treasurer Barbara Petty stated the audit results reflect the great work of staff.

### Quarterly Report from the General Plan Implementation Committee (oral report)- Planning

Mr. Bruce Ackerman distributed a written report to the Council. He asked the Council to review the recommended by-laws and approve them at their earliest convenience. The Committee is asking the Council to consider adopting the Affordable Housing Committee and the Fairfax Climate Action Committee as adjunct committees to the GPIC. He discussed the presentation from the Resilient Neighborhoods organization.

Councilmember Weinsoff asked staff if the Council would need to formally adopt the by-laws. Interim Manager Anderson stated "yes".

Mayor Reed stated he was familiar with the Resilient Neighborhood group and noted their objective was to give residents simple tools to lower his or her "carbon footprint". Councilmember Bragman asked if the group was a "think tank", a not-for-profit group, etc. Mr. Ackerman stated they were the latter.

### Open Time:

Ms. Misty Moreno, Park Road, asked the Council to consider adopting an amendment to the Town Code that states that a business that shares a property line with a full-time residence shall not be allowed to stay open after midnight.

Mr. Michael McIntosh, Pastori Avenue, asked the Council to disclose what was discussed during Closed Session. Town Attorney Karpiak stated the Town Council has decided not to disclose further information about the Closed Session. The Council has fulfilled its legal requirement. Councilmember Weinssoff stated Mr. McIntosh's request was reasonable and he asked the Town Attorney to look into it and return with a formal legal opinion.

Councilmember Bragman stated he would not mind a review by the Town Attorney but he wanted to make it clear that the Council has always closely adhered to the Brown Act.

Mr. Tony Yudice referred to the General Plan, Appendix TCA, "Roadway Improvements" and the proposal to close Bolinas Road to two way traffic and stated it was a disconnect from the public. It would have a negative impact to the surrounding neighborhoods (Dominga, Merwin, Park, and Forrest). The money should be used to fix sidewalks.

### Council Reports and Comments

Councilmember Weinssoff reported he attended the following meetings: Ross Valley Fire Board; the Marin County Council of Mayors and Councilmembers (MCCMC); Marin Municipal Water District (MMWD); and Ross Valley School District. He also lectured at Sir Francis Drake High School.

Councilmember Hartwell-Herrero reported she attended the following meetings: Zero Waste Management; Sustainable Fairfax; Chamber of Commerce; Finance Committee. She also sat in on the Town Manager interviews.

Councilmember Bragman reported he attended the MMWD Board of Directors meeting and discussed the proposed Fire Protection and Environmental Improvement Plan (formerly the Vegetation Management Plan.)

Councilmember O'Neil reported he attended the following meetings: Tree Committee; MMWD Board of Directors.

Mayor Reed reported he attended the following meetings: GPIC; Ross Valley Fire Board; Transportation of Marin (TAM); Fair Bucks.

### Interim Town Manager Report

Interim Town Manager Anderson reported she attended the MCCMC, Chamber of Commerce, Finance Committee, and Zero Waste Management meetings. She commended the Public Works and Police Department on their excellent work in preparing for and handling the recent storm. She noted residents were also a big help. Residents could request help from the Public Works Department through "I Works" on the Town Website.

### Consent Calendar

**Approval of Town Council minutes for the November 7, 2012 meeting - Town Clerk**

**Approval of September Financial Statements and Disbursement Registers – Finance**

**Approval of Notice of Completion for 2012 Street Rehabilitation Project- Interim Town Manager**

**Adoption of Resolution 12-72, a Resolution of the Town Council of the Town of Fairfax authorizing the Town Manager to execute grant documents for the Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program on behalf of the Town of Fairfax as required by the State of California- *Interim Town Manager***

**Adoption of Resolution No. 12-73, a Resolution of the Town Council of the Town of Fairfax authorizing the Town Manager to apply for a 2002 Resources Bond Act Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program Block Grant- *Interim Town Manager***

**Adoption of Resolution No. 12-74, A Resolution of the Town Council of the Town of Fairfax authorizing the Town Manager to apply for a 2002 Resources Bond Act Per Capita Program Grant- *Interim Town Manager***

**Adoption of Resolution No. 12-75, a Resolution of the Town Council of the Town of Fairfax Rescinding the award of bid for the Sir Francis Drake Bike Lane Striping Project- *Interim Town Manager***

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the Consent Calendar with the removal of item #11 for discussion and corrections to the November 7, 2012 minutes.

AYES: All

Adoption of Resolution No. 12-75, a Resolution of the Town Council of the Town of Fairfax Rescinding the award of bid for the Sir Francis Drake Bike Lane Striping Project- *Interim Town Manager*

Councilmember Bragman had questions about the request to rescind the contract. He had heard that some of the areas to be striped were not paved adequately for a bike lane and he would like to consider expanding the bid package to get these improvements. Interim Town Manager Anderson stated it was the opinion of the consulting engineer that the striping and paving portions of the project should be separate. Councilmember Bragman asked that someone ride the length of the project and check out the condition of the paving prior to releasing the bid package.

Mr. Andy Peri, representing the Marin County Bicycle Coalition, stated he road the length of the project and it would be helpful for someone to check the plans to determine bike lane widths. There were several areas of concern. Interim Town Manager Anderson asked Mr. Peri to contact her for a field trip.

M/S, Bragman/O'Neil, Motion to adopt Resolution No. 12-75, a Resolution of the Town Council of the Town of Fairfax Rescinding the award of bid for the Sir Francis Drake Bike Lane Striping Project.

AYES: All

Regular Agenda

Discussion/Consideration of a petition received requesting that the Town adopt an ordinance to ban gas operated leaf blowers in the Town of Fairfax- *Planning*

Planning Director Moore presented a staff report.

Councilmember Hartwell-Herrero stated it would be helpful to obtain information about the different decibel levels of gas vs. electric blowers.

Councilmember Weinsoff stated this matter should be sent to the Planning Commission for initial review.

Councilmember O'Neil agreed and stated they should take a common sense approach.

Mayor Reed stated the petition expressed concern with not only noise but also health issues.

Mayor Reed opened the meeting to public comment.

Mr. John Sergeant, Madrone Road, stated he was opposed to a ban on gas powered leaf blowers. He noted many of the individuals who signed the petition do not live in Fairfax. He asked the Council to consider a limit on the decibel level of leaf blowers in general as opposed to an overall ban.

Mr. Mark Bell, Dominga Avenue, stated regulating leaf blowers was a good idea and the suggestion of a decibel level limit made sense.

A woman from the audience stated it was a good idea to regulate the use of leaf blowers since they lessen the quality of life.

Mayor Reed closed the meeting to public comment.

Councilmember O'Neil stated the idea of limiting the decibel level made sense. They might also want to look at the commercial vs. personal property/homeowner aspect.

Town Attorney Karpiak stated staff would prepare a draft resolution of intention to refer this matter to the Planning Commission for a Public Hearing. The Council would review the Resolution at the next meeting.

Discussion/Consideration of amending the Town Council meeting schedule for January and July of 2013- *Interim Town Manager*

Interim Town Manager Anderson presented a staff report.

It was the consensus of the Council to schedule the following meetings in 2013: January 10<sup>th</sup> and July 9<sup>th</sup>.

M/S, O'Neil/Weinsoff, Motion to adjourn the meeting at 9:25 p.m.

AYES: All

Respectfully submitted,

Toni DeFrancis  
Recording Secretary