

AGENDA
REGULAR FAIRFAX TOWN COUNCIL MEETING

Fairfax Women's Club, 46 Park Road
Wednesday, June 3, 2009, at 7:30 p.m.
Preceded by a Special Meeting Closed Session
at 6:30 p.m. at Fairfax Town Hall, 142 Bolinas Road, Town Manager's Office

6:30 PM - Call to Order and Adjourn to Closed Session on the following matters:

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6 Agency designated representative: Michael Rock, Town Manager; Employee Organizations: SEIU Local 949 Miscellaneous Unit, Police Officers Association and Management Employees

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

7:30 PM - **PLEDGE OF ALLEGIANCE**

ROLL CALL

APPROVAL OF AGENDA AND AFFIDAVIT OF POSTING

ANNOUNCEMENT OF CLOSED SESSION ACTION

MEETING PROTOCOL

The Mayor shall maintain order at the meetings in accordance with Robert's Rules of Order and the Council has a responsibility to be a model of respectful behavior in order to encourage community participation and citizen input at Council meetings. The Council and the audience are expected to refrain from using profane language and/or ridiculing the character or motives of council members, staff, or members of the public and to maintain the standards of tolerance and civility.

The Town Council will review the agenda at 10:00 P.M. to ascertain which items will be heard that evening and which, if any, will be continued to another meeting. Any matter not started by 11:30 P.M. will be continued to an adjourned or regular council meeting unless the Council votes to suspend this rule. Please turn all cellular phones off or place in silent mode.

ANNOUNCEMENTS

New members welcome on the General Plan Advisory Committee

New members welcome on the Fairfax Youth Commission, Ages 14 to 19, Ross Valley residents

Vacancy on the Volunteer Board for a full three-year term

Vacancy on the Parks and Recreation Commission for a full four-year term

32nd Annual Fairfax Festival and EcoFest, June 13 and 14; parade on Saturday at 10 a.m.

OPEN TIME FOR PUBLIC EXPRESSION (3 minute time limit per person) - If you wish to address the Council, please approach the podium and state your name and address. Individuals have 3 minutes to speak, 5 minutes if representing a group. This is the time set aside for individuals wishing to address the Council on matters not listed on the agenda. State law (Government Code Section 54954.2) provides that Council is not permitted to take action and strictly limits the right of the Council to discuss any unagendized item unless it can

be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda

INTERVIEW AND APPOINTMENT/REPORT

1. Annual report from Representative to the Marin Commission on Aging, Diane Bright
2. Interview and appointment of candidate to serve as the Fairfax representative to the Marin Commission on Aging for a three-year term to June 30, 2012 – Town Clerk

PRESENTATIONS

3. Presentation by Ritter Center regarding their “Art Houses of Marin” project and request for Memorandum of Understanding with the Town of Fairfax in support of the program – Weinsoff
4. Presentation by Jason Dow, General Manager, Central Marin Sanitary Services on proposed Food to Energy Project

CONSENT CALENDAR (Members of the audience may address any item on the Consent Calendar at this time)

5. Approval of Town Council minutes of May 6, 2009 – Town Clerk
6. Adoption of Resolution No. 09-37, A Resolution of the Town Council of the Town of Fairfax authorizing a Notice of Completion for the Pastori Pipe Replacement Project – Public Works
7. Adoption of Resolution No. 09-38, A Resolution of the Town Council of the Town of Fairfax authorizing temporary closure of certain streets and portions thereof, and the closure of the Pavilion parking lot to the public, to allow a Town Parade on June 13, 2009 and Town Festival, including an Eco-fest, on June 13 and 14, 2009 – Town Clerk
8. Adoption of Resolution No. 09-39, A Resolution of the Town Council of the Town of Fairfax Approving the Ross Valley Paramedic Authority Tax Levy for the 2009-2010 Fiscal Year – Finance
9. Adoption of Resolution No. 09-40, A Resolution of the Town Council of the Town of Fairfax Setting the Amount of The Municipal Services Tax for The 2009-2010 Fiscal Year
10. Adoption of Resolution No. 09-41, A Resolution of the Town Council of the Town of Fairfax Setting the Amount of the Special Municipal Services Tax for the 2009-2010 Fiscal Year
11. Adoption of Resolution No. 09-42, A Resolution of the Town Council of the Town of Fairfax Setting the Amount of the Utility Users Tax for the 2009-2010 Fiscal Year
12. Adoption of Resolution No. 09-43, A Resolution of the Town Council of the Town of Fairfax Setting the Amount of the Pension Override Tax for the 2009-2010 Fiscal Year
13. Adoption of Resolution No. 09-44, A Resolution of the Town Council of the Town of Fairfax Setting A Fee For The Purpose Of Funding Local Stormwater Pollution Prevention Activities For Fiscal Year 2009-2010
14. Adoption of Resolution No. 09-45, A Resolution of the Town Council of the Town of Fairfax Setting the Tax Rate in connection with its general obligation bonds (Measure K Bond Assessment) for fiscal year 2009-2010

15. Adoption of Resolution No. 09-46, A Resolution of the Town Council of the Town of Fairfax Adopting the Marin General Services Administration (MGSA) Taxicab Regulation Program as Revised for Taxicab Permits and Regulation within the Town of Fairfax – Town Manager
16. Report on solar digital signage – Public Works
17. Adoption of Resolution No. 09-47, A Resolution of the Town Council of the Town of Fairfax finding that a severe fiscal hardship will exist if additional Town Property Tax funds are seized and additional unfunded mandates are adopted by the State of California – Town Manager

PUBLIC HEARINGS

18. Introduction and First Reading of Ordinance No. 742, 50% Remodel Ordinance – Planning
19. Introduction and First Reading of Ordinance No. 743, An Ordinance of the Town of Fairfax Repealing and Replacing Town Code Chapter 8.36, Regulating the Removal of Trees (Continued from May 6, 2009) – Planning
20. Adoption of a Resolution of the Town Council of the Town of Fairfax Setting New Fees for Services as a Result of a Master Fee Study – Finance/Town Manager (To be continued to July 1, 2009)
21. 177 Frustuck Avenue; Application # 09-02; Appeal of the Planning Commission's denial of a request for a setback variance, a height variance, encroachment permit and a second unit use permit in order to construct a second unit underneath an existing three story, single-family residence and to construct parking for the second unit within the required side yard setback and the adjacent public right-of-way; Assessor's Parcel No. 003-193-02; Residential Single-family RS 6 Zone; John Owens and Diana Dullaghan, appellants/property owners; CEQA categorically exempt, § 15301(e), 15303(a) and 15305(a) and (b) – Planning (Continued from May 6, 2009; to be continued to July 1, 2009) – Planning

REGULAR AGENDA

22. Report on the status of the General Plan Update; Specific Plan Update - Planning
23. Authorization for Siren Purchase and Installation for Cascade Neighborhood – Police Department
24. Approval of contract for Capital Project Engineering Consultant Services – Public Works
25. Introduction and First Reading of Draft Ordinance No. 744, Amending Section 2.12.070 (B) (3) regarding the powers and duties of the Town Manager to appoint and remove certain officers - Town Attorney
26. Renewal of Agreement for Town Attorney services – Town Manager
27. Discussion/Consideration of amendments to the Tobacco Ordinance – Bragman
28. Adoption of Resolution No. 09-48, A Resolution of the Town Council of the Town of Fairfax adopting Mission, Vision and Core Values for the Town -Town Manager
29. Report and Discussion on Brush Clearing Project on Scenic Road – Bragman

30. Review of the Town's policies regarding contracts – Bragman

REPORTS FROM TOWN OFFICIALS

COUNCIL REPORTS AND COMMENTS (Brief announcements and reports on Councilmember activities, including reports from meetings attended at Town expense)

ADJOURNMENT in honor of Fairfax resident Carl Dern, a renowned sculptor and prominent member of the Marin Art Community, who died Monday, May 11, 2009

If any of the matters described above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this agenda, or in written correspondence delivered at, or prior to, this Council meeting. If you need an accommodation to attend or participate in this meeting due to disability, please contact Town Hall at 453-1584.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection on the public counter at Town Hall in a folder next to the agenda packet. Such documents are also available on the Town's website at "townoffairfax.org" subject to staff's ability to post the documents before the meeting.

I, Judy Anderson, Town Clerk of the Town of Fairfax, County of Marin, State of California, do hereby certify that I posted a copy of this Agenda at three public places in the Town of Fairfax, to wit: 1) Bulletin Board, Town Hall Offices; 2) Bulletin Board, Fairfax Post Office, and 3) Bulletin Board, Fairfax Women's Club and that each of said postings was completed on the 29th day of January, 2009

In an effort to make our agendas available in a more timely and efficient manner, we have created a noticing list for the distribution of Town Council agendas via email. If you would prefer to receive Town Council agendas via email, please provide your email address to the Town Clerk at janderson@townoffairfax.org