

AGENDA

REGULAR FAIRFAX TOWN COUNCIL MEETING

Fairfax Women's Club, 46 Park Road

Wednesday, July 1, 2009, at 7:30 p.m.

Preceded by a Special Meeting Closed Session at 6:30 p.m.

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.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code 54956.8:
Property: 2170 Sir Francis Drake Boulevard, Fairfax Town Negotiators: Michael Rock, Town
Manager and Jim Moore, Planning and Building Services Director; Negotiating Party: Joe
Wahnsiedler; Under Negotiation: Price and terms of payment

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

Two Vacancies on the Parks and Recreation Commission for full four-year terms

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.

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

1. Approval of Town Council minutes of June 3, 2009 – Town Clerk
2. Accept and File Monthly Finance Report for April, May 2009 – Finance
3. Approval of the filing of a Notice of Completion for Measure K Phase II Proposition 1B Pavement Resurfacing Project – Public Works
4. Adoption of a Resolution of the Town Council of the Town of Fairfax Accepting a 30-foot wide by 1847 foot long section of Upper Scenic Road as a Town Maintained Road – Public Works
5. Approval of the Pavilion Photovoltaic System Design & Installation Project Notice of Completion (Solar Project) – Public Works
6. Renewal of Artists-in-Residence Contract for one year to June 30, 2010 – Town Manager
7. Adoption of a Resolution of The Town Council of The Town of Fairfax Making Certain Findings and Determinations In Compliance With Section XIII B of The California Constitution (Gann Initiative) and Setting the Appropriations Limit Fiscal Year 2009-10 – Finance
8. Request from the Affordable Housing Task Force to apply for a Workforce Housing Grant - Planning
9. Adoption of a Resolution of the Town Council of the Town of Fairfax authorizing the Town Attorney to cooperate with the League of California Cities, as well as other cities and counties, in litigation challenging the constitutionality of any seizure by State government Local Street Maintenance funds (Gas Tax Funds) – Brandborg
10. Adoption of a Resolution of the Town Council of the Town of Fairfax Authorizing the Town Manager to sign a Licensing Agreement for Temporary Art Installations with the Ritter Center for Art Houses of Marin Project – Town Manager
11. Adoption of Resolution of the Town Council of the Town of Fairfax approving the Finance Director position and establishing salary range and adding the position to the management classification and deleting the Senior Accountant position – Town Manager
12. Adoption of Resolution of the Town Council of the Town of Fairfax in Support of the Food-to-Energy Program as a Renewable Energy Project – Town Manager
13. Approval of Extension of contract for Youth Services with Community Action Marin for a Summer Program in Fairfax – Town Manager

PUBLIC HEARINGS

14. Adoption of a Resolution of the Town Council of the Town of Fairfax adopting the Final Budget of the Town of Fairfax for the Fiscal Year July 1, 2009 through June 30, 2010, providing for the appropriations and expenditures of all sums set forth in said budget and repealing all resolutions in conflict herewith - Finance
15. 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 and June 3, 2009)
16. 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 Including Business License Fees (continued from June 3, 2009) - Finance
17. Introduction and First Reading of Ordinance No. 742, 50% Remodel Ordinance (continued from June 3, 2009) - Planning

REGULAR AGENDA

18. Adoption of a Resolution of the Town Council of the Town of Fairfax, California, Calling for the Holding of a General Municipal Election on November 3, 2009, for the Election of Certain Officers and for the Submission to the Voters of a Question Relating to the Renewal of a Special Municipal Services Tax for Five (5) years, Requesting the Marin County Board of Supervisors to Consolidate with any other Election Conducted on that Date, and Requesting Election Services of the County Clerk, and Setting the Ballot Language – Town Clerk
19. Report on the status of the General Plan Update and Specific Plan – Planning
20. Second Reading and Adoption of Ordinance No. 743, An Ordinance of the Town of Fairfax Repealing and Replacing Town Code Chapter 8.36, Regulating the Removal of Trees – Planning
21. Second Reading and Adoption of 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
22. Discussion/Consideration of updates to the MCSTOPPP (Marin County Stormwater Pollution Prevention Program) Joint Powers Authority Agreement – Public Works
23. Discussion/Consideration of traffic issues on Mono Lane (oral report) – Tremaine
24. Discussion/Consideration of endorsement of Pilot Low Income Elderly and Disabled Cable discount – Bragman
25. Discussion/Consideration of Redemption of Tax Delinquent Properties with Open Space Fund - 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

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 25th day of June, 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