

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, October 1, 2008

The meeting at the Women's Club was preceded by a Closed Session meeting at the Youth Center, 16 Park Road, to consider two potential litigation cases and for the performance review of the Town Manager.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Mary Ann Maggiore
Lew Tremaine
David Weinsoff

COUNCILMEMBERS ABSENT: Susan Brandborg

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Jim Karpiak, Town Attorney
Ann Welsh, Planning Director
Kathy Wilkie, Public Works Director
Mark Lockaby, Building Official
Maria Baird, Community Resources Coordinator

Mayor Maggiore called the meeting to order at 7:35 p.m.

Approval of Agenda and Affidavit of Posting

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

AYES: Bragman, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: Brandborg

Closed Session Announcement

Mayor Maggiore announced that the Council had met in closed session on two potential litigation matters and for the performance evaluation of the Town Manager.

Announcements

Mayor Maggiore made the announcements as listed on the agenda and also announced that the downtown merchants would be sponsoring "First Friday in Fairfax" events in October, November and December.

Open Time for Public Expression

Shelley Hamilton, Planning Commissioner, Canyon Rd., thanked the Town Council for conducting the Saturday workshop on the mixed-used overlay zone. She stated that she saw it an opportunity to improve understanding of the topic and encouraged the Council to present the topic in different ways. She suggested using comparisons of what could happen in the zone, what it would look like if nothing was done, and to discuss some of the positive aspects, like the incorporation of green building guidelines and design standards, bike parking, and runoff standards. She stated that there needed to be efforts to elevate the community conversation to develop a shared community vision.

Cindy Ross, Lansdale Ave., expressed concern about too many issues being lumped together with the mixed-use overlay zone discussion; stated that she thought the Saturday workshop was confusing for some participants; that the Town needed to do an Environmental Impact Report before moving forward with the overlay zone; and that the issues needed to be separated.

Terry Goyan, Bolinas Rd., asked if there was Council review of employee performance before the hiring or firing of staff or if the Town Manager had the authority to hire and fire without Council approval.

Town Attorney Karpiak responded that the Town Manager did not have the sole authority to hire or fire without the approval of the Town Council within the first year of employment, but that the Council could bestow that authority after one year of service as Town Manager.

Deborah Benson, Cascade Drive, asked when Creek Road Bridge would reopen and was informed by Public Works Director Wilkie that the pipe project on the bridge was scheduled to be completed by October 15th, that CalTrans had to inspect the bridge after the 15th, and that the bridge would open shortly after that inspection. Ms. Benson also asked what would happen if the Town did nothing to create affordable housing; in response to the Saturday workshop, stated that the affordable housing issue and the zoning issue were two separate items; reported on a conversation she had with the former owner of the defunct Chinese restaurant who wanted his property rezoned; that rezoning the property was a big step that should go to a vote of the people; and that Corte Madera had satisfied their entire affordable housing requirement with one project which showed that it could be done in other ways.

Interview and appointment of candidate(s) to the Open Space Committee for an unexpired term to June 30, 2012

Michael Rock announced that Wendy Albrecht had withdrawn her application to serve on the Open Space Committee.

CONSENT CALENDAR

Approval of Town Council minutes of June 4 and June 18, 2008

Proclamation declaring October 18, 2008, as *Biketoberfest Day* in Fairfax

Discussion:

Vice Mayor Weinsoff requested a change in the wording on page 8 of the minutes of June 18th to better reflect his statements and noted that he had already communicated the changes to the Clerk.

Councilmember Bragman asked that the minutes for June 4th be amended to include comments made by the Council members on the Community Choice Aggregation discussion at that meeting.

M/S, Bragman/Tremaine, Motion to adopt the Consent Calendar with the requested amendments to be made to the June 4, 2008 minutes and with the amended minutes to be placed on the November 5th Council agenda for approval.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

Introduction and First Reading of Ordinance No. 737, An Ordinance of the Town of Fairfax Reenacting the Second Unit Amnesty Program for a One-Year Period; Amending the Following

Section of the Fairfax Code for a One-Year Period; Chapter 17.048 Regarding Existing Residential Second Units; and Amending Planning Commission Resolution 2434 Regarding Planning/Building-Related Fees for a One-Year Period

Planning and Building Services Director Welsh presented the staff report.

Mayor Maggiore opened the public hearing.

Shelley Hamilton, Planning Commissioner, stated that 24% of the affordable housing requirements could be met by second units and noted that the County had brokered discounts from the utility companies for those legalizing second units.

Building Official Lockaby reported that the Town had a handout with all the information about legalizing second units and that the biggest issue seemed to be providing for the required off-street parking.

Mayor Maggiore closed the public hearing.

M/S, Tremaine/Bragman, Motion to waive further reading and to read the title only of Ordinance No. 737, An Ordinance of the Town of Fairfax Reenacting the Second Unit Amnesty Program for a One-Year Period; Amending the Following Section of the Fairfax Code for a One-Year Period; Chapter 17.048 Regarding Existing Residential Second Units; and Amending Planning Commission Resolution 2434 Regarding Planning/Building-Related Fees for a One-Year Period.

AYES: Bragman, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: Brandborg

M/S, Tremaine/Bragman, Motion to introduce Ordinance No. 737, An Ordinance of the Town of Fairfax Reenacting the Second Unit Amnesty Program for a One-Year Period; Amending the Following Section of the Fairfax Code for a One-Year Period; Chapter 17.048 Regarding Existing Residential Second Units; and Amending Planning Commission Resolution 2434 Regarding Planning/Building-Related Fees for a One-Year Period.

AYES: Bragman, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: Brandborg

Update on code compliance issues and possible abatement concerning vacant commercial building (formerly the New Albion Bookstore) (oral report)

Building Official Lockaby presented the staff report. He stated that the owners had hired an appraiser; that the appraiser was having difficulty finding comparable properties; that the sale of the property had been discussed for ten years without anything happening; and described the potential problems that would be involved in installing a sprinkler system in the building to meet Fire Department requirements.

Adoption of Resolution No. 2581, A Resolution of the Town Council of the Town of Fairfax Increasing Change Order Authority for the Pastori Overlay Project

Public Works Director Wilkie presented the staff report. She stated that she had received the approval for the increase from the Measure K Oversight Committee; provided a background of the project; explained that the delay was due to the collapse of the trench which was due to the deterioration of the underlying structure of the road; and that the project was also delayed until PG&E could adjust their lines at the site.

Mayor Maggiore opened the discussion to the public.

Cindy Ross, Lansdale Ave., stated that she had asked the Town to pave the portion of Pastori that fronted her property many times over the years; that both she and her mother had fallen because of the damaged pavement; and that she had been told that it was too expensive to fix.

Public Works Director Wilkie responded that Pastori would be paved but that the paving had been delayed in order to coordinate the project with the storm drain project on the other end of the street.

M/S, Tremaine/Bragman, Motion to adopt Resolution No. 2581, A Resolution of the Town Council of the Town of Fairfax Increasing Change Order Authority for the Pastori Overlay Project in the amount of \$54,610.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

Adoption of Resolution No. 2582, A Resolution of the Town Council of the Town of Fairfax authorizing issuance of a Request for Proposals for the installation of solar panels on the Pavilion

Public Works Director Wilkie presented the staff report.

Mayor Maggiore opened the discussion to the audience.

David Glick, Cascade Drive, asked that they go ahead without delay.

M/S, Tremaine/Weinsoff, Motion to adopt Resolution No. 2582, A Resolution of the Town Council of the Town of Fairfax authorizing issuance of a Request for Proposals for the installation of solar panels on the Pavilion.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

Report on Association of Bay Area Governments (ABAG) services provided to the Town

Planning and Building Services Director Welsh presented the staff report. She stated that the Town paid ABAG \$1800 in dues that included services like hosting the Town's Web site for \$30/month. She described other services provided by ABAG to its members including a green business program; earthquake preparedness; population, housing and employment data; pest management; and the S.F. Estuary Project.

There was a consensus of the council to direct staff to prepare a formal report on the consequences of terminating membership in ABAG.

Discussion and consideration of amendments to the Tree ordinance, Bragman

M/S, Bragman/Tremaine, Motion to continue the item to the November Council meeting.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

Adoption of Resolution No. 2583, A Resolution of the Town Council of the Town of Fairfax in opposition to Proposition 8 on the 2008 California General Election Ballot that if Passed would

Eliminate the Right of Same Sex Couples to Marry, Bragman

M/S, Bragman/Weinsoff, Motion to adopt Resolution No. 2583, A Resolution of the Town Council of the Town of Fairfax in opposition to Proposition 8 on the 2008 California General Election Ballot that if Passed would Eliminate the Right of Same Sex Couples to Marry.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

Discussion of proposed changes to the Community Aggregation Ordinance and Joint Powers Authority Agreement

Town Attorney Karpiak presented a staff report about a recent meeting of the City/Town Attorneys on the subject.

Barbara George reported that the changes were made at the request of Supervisor Kinsey in response to AB 32, Climate Change Plan legislation.

Dawn Weisz, County of Marin, presented a report on the proposed changes and stated that the Board of Supervisors believed that a new document was necessary.

Mayor Maggiore opened the discussion to the public.

Mark Bell, Dominga Ave., asked who was going to pay for all the changes.

Town Manager Rock stated that the County was paying the start-up costs; that the final version of the documents might end up being more like the original documents; and recommended that the Town Council wait to see the next version presented.

M/S, Maggiore/Bragman, Motion to authorize a letter to the Board of Supervisors stating that the Town of Fairfax had agreed to the original language and ordinance, and that the original language would ensure compliance with AB 32.

AYES: Bragman, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: Brandborg

COUNCIL REPORTS AND COMMENTS

Vice Mayor Weinsoff announced that he and Trudy Totty had formed a partnership and were going to start a mediation business.

Councilmember Tremaine announced a Joint Services Subcommittee meeting scheduled for Thursday, October 2nd at 6:30 p.m. in San Anselmo to hear a consultant's report on possible dispatch consolidation.

On motion duly made and carried, the meeting was adjourned to November 5, 2008.