

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, February 6, 2008, at 7:30 p.m.

The regular meeting was preceded by a Closed Session at 6:30 p.m. at the Youth Center, 16 Park Road for Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Pending Litigation, Marin Superior Court No. CV 064668, Legnitto v. Town of Fairfax; and Public Employee Performance Review, pursuant to Government Code Section 54957; Town Manager; and Public Employee Appointment pursuant to Government Code Section 54957: Public Works Director

Roll Call:

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

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Jim Karpiak, Town Attorney
Ann Welsh, Planning Director
Ian Roth, Finance Director
Mark Lockaby, Building Official
Judy Anderson, Town Clerk

Mayor Maggiore called the meeting to order at 7:32 p.m.

Announcement of Closed Session Action

Mayor Maggiore announced that direction was given to staff in the Legnitto matter; that the goals of the Town Manager were reviewed; and direction was given to staff regarding the procedures for hiring a Public Works Director.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Bragman, Motion to adopt the agenda with changes in the order of the agenda to hear the item on 67 Live Oak as the first item on the regular agenda and to edit the reference of the item regarding the Ross Valley School District to be changed to (School Districts); and to include all the Council Members on the resolution of condolences to the Fairfax family; and to approve of the affidavit of posting.

AYES: All

Mayor Maggiore announced the recent appointment of three Planning Commissioners; Pam Meigs, Terry Goyan and Shelby LaMotte; announced that new members were welcome on General Plan Advisory Committee and on the Fairfax Youth Commission; and that there were single vacancies on the Parks and Recreation Commission for an unexpired term to March 31, 2010; on the Volunteer Board for an unexpired term to March 31, 2009; on the Design Review Board for a full three-year term to January 31,

2011; on the Open Space Committee for a four-year term; and a vacancy on the Measure F Oversight Committee.

Oath of Office

Town Clerk Anderson administered the oath of office to the newly appointed Town Manager, Michael Rock.

Open Time

Patricia Murray, Fern Lane, stated that she would like to see the Town defend the Constitution; offered to help the Town get information to their constituents about how to express their concerns on matters of national importance; submitted material to the Town Council about "nationalpriorities.org" that described the approximately fourteen million dollars that Fairfax had paid for the illegal invasion of Iraq; reported that a town in Massachusetts had passed a resolution urging the restoration of normal relations with Iraq; and reported on actions recommended by the Peace and Justice Coalition to end the war.

Patrick Troupe, Fairfax resident, spoke about the state of the earth and the steps that the Town could take to create a better, more sustainable future. He described a non-profit organization that was being formed called "creating our future" to make Fairfax the most sustainable town on the West Coast within two years.

Jim Baum, described Mott of Mott Studios and their wish to place a mural on the side of the Book Beat building and requested that the item be placed on the next Council agenda to hear a request for the Town to contribute to the cost of the mural. He submitted drawings of the proposed mural and described the project.

Frank Egger, Meadow Way, stated that the trees in front of Albertsons had been removed; that the sidewalk that had been ripped up was on private property; and asked if the Town would be assuming future liability for the new sidewalk.

Town Manager Rock responded that the property owner was paying for the new sidewalk and would be responsible and that replacement trees would be planted.

Jason Sanders, described his next door neighbor's house as the "Chernobyl of Fairfax," and asked for the Town's help. He described the plastic tarps on the property, the lead paint that was going into the creek, the tar roof that was falling off, a dead oak tree, a dying pine tree and dead deer on the property. He reported that the water and gas service had been disconnected and that the site was polluting the environment. He described the property as a "tear down" and asked for the Council's help.

Mayor Maggiore responded that she would check on the situation.

John Reed, 36 Scenic Road, Safe Routes to School, expressed concern about the narrow traffic lanes during construction on Center Boulevard and noted that kids were forced into the same lane as traffic since the removal of the sidewalk.

Mayor Maggiore stated that the project was scheduled to be completed by April.

Town Manager Rock stated that he would contact the contractor about the temporary sidewalk and what could be done to make it safer during construction.

Craig Slater, Scenic Road, Marin Peace and Justice Center, offered to work with local officials to draw attention to national and global issues; that he didn't trust any democrat to stop the war in Iraq; that he didn't trust our national government; described what other towns were doing; stated that he believed in the people of Fairfax; and asked how Fairfax could work with its citizens to address larger issues.

Chris Lang, Chamber of Commerce president, stated that he would like to present some ideas about possible upgrades for the Pavilion on the next Town Council agenda.

Interview and appointment of one voting member to the General Plan Advisory Committee

The Town Council interviewed the only candidate, Linda "Lini" Bodian.

M/S, Weinsoff/Tremaine, Motion to appoint Lini Bodian as a voting member of the General Plan Advisory Committee.

AYES: All

Governmental Accounting Standards Board (GASB) 45 Retiree Health actuarial report by Total Compensation Systems

Geoffrey Kischuk, of Total Compensation Systems, presented an actuarial report, as required by new government accounting standards, on future retiree health costs for the Town of Fairfax.

There was a discussion about the investment of the funds required for the retiree health benefits.

Mayor Maggiore opened the discussion to the audience.

Niccolo Caldararo, stated that there were problems with stand-alone service; recommended that there be cross-training of fire and police; stated that there had been no drop in service where that had happened; that cross-training provided savings in salaries and equipment; and also reduced liability exposure.

Conrad Oho, Lansdale, Fairfax, stated that financial conditions were in upheaval globally; that the future was unpredictable; that the Council needed to consider what was fair in the context of the financial reality; and asked what the Council was doing to address the financial uncertainty.

There was a consensus of the Council to accept the report.

Consent Calendar

Approval of Town Council Minutes of November 28 and December 19, 2007

Award of bid for Hill Avenue and Park Road overlay Measure K project

Adoption of Resolution No. 2524, a Resolution of the Town Council of the Town of Fairfax in opposition to user tolls for North Bay residents for the Doyle Drive reconstruction project in San Francisco

Approval of a change order in the amount of \$35,560 for an overhead flashing signal and re-stripping changes on Sir Francis Drake Blvd. at Oak Tree Lane

Approval of letter as drafted by the Planning Commission to the State Housing and Community Development Department regarding the status of the Housing Element

Councilmember Brandborg noted that there was no financial report or check register on the Consent Calendar.

Vice Mayor Weinsoff ascertained that the resolution opposing an increased bridge toll to pay for improvements on Doyle Drive was being adopted by other cities.

Mayor Maggiore, the Town's representative to the Transportation Authority of Marin, explained the proposal to increase the toll on the Golden Gate Bridge to help pay for the Doyle Drive improvements in San Francisco.

M/S, Tremaine/Bragman, Motion to approve the Consent Calendar.

AYES: All

183 Frustuck Avenue; Appeal of Application # 07-28: Appeal of the Design Review Board's approval of the design for a 2,830sf single-family residence with a 575sf garage; Assessor's Parcel No. 003-193-13; Residential Single-family RS 6 Zone; Niccolo Caldararo, appellant; Shane Deal, applicant/owner; CEQA categorically exempt, § 15303(a); Adoption of Resolution No. 2525, A Resolution of the Town Council of the Town of Fairfax Upholding the Decision of the Design Review Board on an Appeal of Application No. 07-28 for a Project Located at 183 Frustuck Ave., Assessor's Parcel No. 003-193-13

Councilmember Bragman recused himself and left the room because of the proximity of his residence to the subject property.

Planning and Building Services Director Welsh presented the staff report.

Jack Seimen, Attorney for appellant Caldararo, referred to a letter that he had sent objecting to the determination that the slope of the property was less than 15% and explained his assessment of the slope at the site as 51%; expressed disagreement that the proposed project was in conformance with the lot coverage ordinance; referred to a recent slide in San Anselmo reported in the Marin Independent Journal warning that to allow building on such a steep lot could create liability exposure for the Town; that the staff report did not address slope; that to build a house of the size proposed on such a steep lot would not be consistent with the purpose and intent of the Town's ordinance; that the findings should be reviewed; and that the Town Council should reconsider its decision.

Max Crome, architect for the applicant, stated that it was a legal non-conforming lot; that it was the same project that had been approved by the Planning Commission and the Design Review Board; and that it had met all twenty guidelines of the Design Review Board.

Len Rifkin, Attorney for the Applicant, stated that it was a single family home; that it met the criteria of the HRD (Hillside Residential Development); that surveys had been done by qualified engineers that determined that it could be safely built; that the issue before the Council was the Design Review Board decision only; and that the Floor Area Ratio (FAR) Ordinance provided the most objective criteria with the proposed project well below the maximum lot coverage allowed. He provided pictures of all 36 houses in the neighborhood; noted that 2,830 square feet was in the middle of the range of the house sizes in the neighborhood; and that the lot sizes ranged from 3,150 square feet to 12,000 square feet, with 8600 square feet as the average. He stated that the proposed home met all the Town's criteria and that the time had come to approve the project and let the single-family home be built. He provided corrected photos to the clerk of the home at 215 Hickory and a 1914 map of the lot that was created before the town code was adopted.

Mayor Maggiore opened the public hearing.

Chris Lang, stated that he had served five and a half years on the Planning Commission; that Fairfax had approved other engineered homes on steep lots; that second guessing the Planning Commission and Design Review Board could be tricky; that the issue became political at the Council level; urged the Council to judge the project based on the facts; and noted that the Town of Fairfax had been mandated by the State of California to create thirteen new dwelling units per year and that this was just one home.

Bob Klock, Frustuck Ave., stated that he had been a Planning Commissioner in the early nineties; that his home was directly below the construction site and that he didn't have any concerns about the project; that he was a builder and suggested that perhaps the appellant's attorney didn't understand that it was a good project; that his own home was larger than the proposed home; that suggesting that the parking be located at the bottom of the property was ludicrous because it was on a blind curve; asked the Council to approve the project; and stated that it was wrong to delay approval any longer.

Rob Cook, Redwood Road, Design Review Board chair, stated that the project complied with all the Design Review Board criteria; that the project was a model for Fairfax; that the architect had been a long time Design Review Board member; and that the project was a model of green design and sustainability.

John Fitzpatrick, Hickory Road, spoke as a neighbor in support of the project.

Laura Kehrlein, architect and member of the Design Review Board, stated that the Board had carefully considered all of the criteria and that the project met or exceeded all of them; that the garage was an important part of the project; and urged the Council to deny the appeal and uphold the decision of the Design Review Board.

Kristin Coffey, Design Review Board member, commended the Deals for the sustainability of their project; reiterated that it met all the Design Review Board criteria;

stated that there was no reason to deny the project; that there was no variance required; and that she was proud of the accomplishments of the design.

Shelby LaMotte, former Design Review Board member, stated that the project had been reviewed under a microscope; that the Design Review board members took their jobs seriously; that the project had been approved by the Planning Commission, the Design Review Board and the Town Council; and that the Town Council should let it happen.

Karen Ecklund, Scenic Road, stated that she had previously served on the Sustainable Fairfax board for two years; that she had lived in Fairfax for ten years; and urged the Council to approve the project because it was so sustainable and a model for Fairfax.

John Azal, 183 Frustuck, stated that the proposed garage should be allowed because it was a necessity for the home.

Todd Diehl, stated that when Mr. Deal had done work for him that it had been done diligently and to perfection; that the project used many sustainable building methods; and urged the Council to allow the applicants to quit spending money on attorneys and let them build their home.

Drew Landers, 35 Bothin Rd., stated that Mr. Deal was committed to preserving the trees on the property and urged the Council to approve the project.

Cameron Faulkner, an 8-year resident of Fairfax, stated that everything had already been said about the project, that it was a quality project and that it should be approved.

John Reed, Scenic Road, stated that he had heard testimony that the project met all the Town's criteria, but that he had also heard that it "felt too big." He urged the Town Council to adopt an amended Floor Area Ratio ordinance to address hillside lots.

Sam Lucca, stated that the previous meeting had been frustrating; that facts had been pitted against rhetoric; that he had thought there was a system in place to allow fair decisions to be made; that decisions shouldn't be made based on politics; and that the Council's main concern should be that the rules were upheld.

John Owens, Frustuck Ave., stated that his home was next door to the project; noted that no adjacent homeowners were still opposed to the project; that it was an academic appeal; that 99% of the lots in Fairfax were non-conforming; that the project called for a relatively small house on a large lot; and that he supported the use of green building techniques being used in the project.

Donald Simon, green building expert and founder of "Build it Green" explained that the Deal project had been scored at 151 points when 50 points was considered a green building project; that land use decisions could help combat climate change; that it was an exemplary project; that it was the biggest thing that could be done to prevent climate change; and urged the Council to approve the project.

Peter, 51 Belle Ave., stated that he had worked for 17 years in construction and that he believed it was a great project and should be approved.

Niccolo Caldararo, asked to respond to comments made and stated that a 3,000 square foot home where all the others houses were 2500 square feet was not green; that he was present to support the Town's ordinances; he noted that his attorney had spoken to the slope of the lot which wasn't addressed by staff; stated that the garage should be like others in the neighborhood; that 1500 square feet was determined by one speaker to be the median size in Fairfax; that he was seeking equal protection under the law; and that the applicant shouldn't get special treatment because he served on the Design Review Board.

Mayor Maggiore reminded the Town Council that they were going to review a proposed new Floor Area Ratio ordinance; that the project had been before Town bodies five times; and that the Council should deny the appeal and approve the project.

Councilmember Brandborg stated that the Deals had been through a long process that had gone on too long and that the Council should deny the appeal as they had done previously.

Councilmember Tremaine, stated that a neighbor had exercised his right to appeal; that it was not because of staff or the Town Council that the project had been before the town five times; that it was not how he would have designed the project and he would have liked something to have been done about the garage; that he understood Mr. Caldararo's concerns; that the house was larger than he would like to see; but that the Council had no real alternative but to deny the appeal.

Vice Mayor Weinsoff stated that Mr. Caldararo should have been commended for bringing up the issue of development on sloped property; that there was an item on the Council agenda to appoint a committee to work on a revision of the Floor Area Ratio ordinance to address the slope issue; that the Council had to judge the appeal based on the rules on the books at the time; that the question before the Town Council was whether or not the findings of the Design Review Board should be upheld; and he stated that he would vote to deny the appeal.

M/S, Brandborg/Weinsoff, Motion to deny the appeal and adopt Resolution No. 2525, A Resolution of the Town Council of the Town of Fairfax Upholding the Decision of the Design Review Board on an Appeal of Application No. 07-28 for a Project Located at 183 Frustuck Ave., Assessor's Parcel No. 003-193-13.

AYES: All

Mayor Maggiore adjourned the meeting for a break from 9:25 to 9:37 p.m.

Discussion of a request for code enforcement action regarding debris problem at 67 Live Oak

Planning and Building Services Director Welsh presented the staff report.

There was a discussion about the best way to proceed with abatement of the problem. Town Attorney Karpiak noted that the Town Code gave the Town Council the power to declare the problem a public nuisance and noted that it was a discussion item, not an action item.

Mayor Maggiore opened the discussion to the public.

Ronnie Cohen, Live Oak Avenue, described a letter of warning sent to the property owner on November 13, 2007, by former Town Manager Kelly; asked why that wasn't enough notice for the property owner; and stated that she thought the public hearing was at the current meeting. She quoted portions of the Town Code about the requirement for refuse service and parking requirements that may not have been in compliance at 67 Live Oak.

Town Attorney Karpiak clarified that no notice was given to the property owner about the current hearing on the matter.

Rose Taber, Hillside Ave., suggested that the neighbors use a Small Claims Court action for abatement.

Stanley Bresh, 71 Live Oak Ave., expressed deep concern about the amount of trash at 67 Live Oak Ave. and the presence of rats and other vermin; stated that 67 Live Oak was a blight on the neighborhood; that the neighbors had informed the town of the problem three months previous and that there had still been no action.

Loretta Bresh, 71 Live Oak Ave., submitted a petition from the neighbors; described her interaction with the occupant of 67 Live Oak to illustrate her non-cooperation; and stated that there were many violations of Town laws at the site.

Jenny Marchant, stated that she lived next door and that it was a disgusting mess. She further stated that she couldn't allow her young twins to go outside safely because of the rats next door.

M/S, Tremaine/Brandborg, Motion to direct staff to start the abatement process *with the use of registered mail for any contact with the owner* (accepted as a friendly amendment to the motion by Vice Mayor Weinsoff).

AYES: All

Adoption of Resolution No. 2526, a Resolution of the Town Council of the Town of Fairfax updating the Fairfax Bicycle and Pedestrian Master Plan

Finance Director Roth presented the staff report and introduced members of the Bicycle and Pedestrian Advisory Committee (BPAC) who were in the audience.

Erik Anderson, Alta Planning and Design, gave a presentation about the Master Plan and described the process and the finished product.

The Council discussed whether or not the plan required environmental review and were informed that the Plan could be an appendix to the Circulation Element of the General Plan.

Consultant Anderson explained that the Plan had to be updated every five years to be eligible for CalTrans funding; that there was not enough detail in the plan to warrant an environmental review; and that it was needed to allow work to go forward on the Fairfax to San Rafael corridor project.

Councilmember Bragman noted that representatives from the Fairfax BPAC would meet with other jurisdictions to facilitate the larger project.

Councilmember Brandborg asked for clarification of the costs to be assumed by the Town described in the document.

Town Attorney Karpiak suggested that the Council not adopt the document because of the environmental review question and the confusion about whether or not the document was part of the General Plan. He requested more time to review the document and the resolution of approval.

Mayor Maggiore opened the discussion to the public.

Andy Peri, Cypress Drive, Marin Bicycle Coalition, stated that he supported the adoption of the plan; reported that a recent non-motorized transportation study indicated a 205% increase in bicycle use in Fairfax during commute times; urged the Council to pass the plan as soon as possible; and stated that the pilot program funding would not be lost because of the delay.

Pam Meigs, Planning Commission Chair, stated that she was excited about the Bike Plan; that the public process was a concern; that she was looking for a compromise; and stated that she was willing to create a subcommittee to move it forward.

Deirdre Rogers, 121 Meernaa Avenue, stated that she had been involved in the Safe Routes to School program, and that she was anxious to have the plan accepted.

John Reed, 36 Scenic, BPAC and GPAC member; stated that the Bike Plan and the Circulation Element did mesh pretty well; that there wouldn't be any surprises; and that maps could be added to the document.

Rose Taber, Hillside Ave., stated that it was a great plan for bicyclists but not so great for pedestrians; that most people in her neighborhood tried to walk on the sidewalks that were blocked or in poor shape; that bikes were supposed to adhere to the same laws as cars but didn't; and asked that the Council consider an ordinance to improve sidewalks with the suggestion to look at ordinances in San Anselmo and San Rafael as models.

Renee Goddard, Cascade Drive, BPAC member, and Safe Routes to School Committee member, stated that she was anxious to start the long process of implementation of the plan.

Bill Madsen, Porteous Ave., suggested that the plan be folded into the GPAC consideration of the Circulation Element to make it all part of the same document.

Chris Lang, BPAC member, commended Finance Director Roth for his support and stated that he was looking forward to making the vision into a reality.

Town Attorney Karpiak suggested that he look at the document for compliance with CEQA and at the resolution to prepare clearer language to limit any challenge to the Town.

There was a consensus of the Council to proceed as suggested by the Town Attorney.

Adoption of Resolution No. 2527, a Resolution of the Town Council of the Town of Fairfax for complete streets to include bike and pedestrian improvements in public projects, Bragman

M/S, Bragman/Weinsoff, Motion to continue the consideration of this resolution to the next meeting.

AYES: All

Appointment of Floor Area Ratio Ordinance Review Committee representatives and clarification of direction to the Committee

Planning and Building Services Director Welsh presented the staff report with the recommendation that Councilmembers Tremaine and Bragman, Planning Commissioners Meigs and Ketcham and Design Review Board members Deal and Kehrlein serve on the committee. She also recommended that the Council determine the goals and objectives of this subcommittee, the staff member who would be assigned and a mutually agreed upon first meeting date, place and time.

Mayor Maggiore opened the discussion to the audience.

Bill Madsen, Porteous Ave., stated that the Council had been talking about a new Floor Area Ratio (FAR) ordinance for years and that the committee should be informed of all the work that had already been done.

Bob Sandusky, Toyon Drive, architect, stated that he believe the draft ordinance to be terribly flawed; that it wouldn't accomplish what it was supposed to accomplish; that he opposed it as currently drafted; and offered to address the committee about his concerns.

Jeff Kroot, architect in Fairfax since 1974, stated that he was critical of what was being proposed; that he had helped draft a FAR in San Anselmo; that the 40% slope was one of the more controlling ordinances in Fairfax; and that the ordinance was overly restrictive as drafted.

Shane Deal, Belle Avenue, potential sub-committee member, stated that he would be out of town from February 20th to April 6th, and thanked the Council for forming the committee.

Dave Johansen, Ridge Road, asked the Council what would happen to the market value of the homes when they became legal non-conforming lots as a result of the revised FAR ordinance.

M/S, Tremaine/Bragman, Motion to adjourn to the scheduled special meeting to follow immediately.

AYES: All

Ross Valley Fire Service JPA Agreement – Agreement Review/Expansion to Include Sleepy Hollow as a Full Member

Mayor Maggiore presented the topic and the status of the negotiations.

Ross Valley Fire Chief Meagor presented an overview of the history of the Sleepy Hollow Fire District and its relationship with San Anselmo and Ross Valley Fire.

Councilmember and Fire Board member Tremaine clarified that they were asking to be able to make the offer to the Sleepy Hollow Fire District as presented and he explained the major elements of the offer.

Mayor Maggiore apologized for the delay in hearing the item.

Councilmember Bragman stated that it was bad form to be hearing the item the way it was presented and that he had questions; noted that the assets were off the table for discussion; that the offer did not account for the Fairfax capital contributions that had been made over the years; that he was leery of allowing a new partner on the board without a capital contribution; that Sleepy Hollow should make a monetary contribution; that the document before them represented a good start; that he would like to see the asset list considered; that the increase in Sleepy Hollow's dues did not reduce the Fairfax contribution; asked what the advantage was for Fairfax; that the taxpayers of Fairfax have built up the assets of the Fire Service over the years and were not getting any compensation for those contributions; that the status of the judgment against former Fire Chief Mollenkopf was not clear; and requested a clause be added regarding reimbursement of capital contributions.

Councilmember Tremaine stated that the addition of Sleepy Hollow would strengthen the Fire Service; that it might attract other agencies like Ross; that it would add stability to the agency; that it would resolve a four-year-old conflict; and that the time had come to add Sleepy Hollow to the Ross Valley Fire Service as a full partner.

Councilmember Brandborg agreed that the addition of Sleepy Hollow would make Ross Valley Fire stronger and she read from the original proposed agreement from four years previous that would have changed the percentage paid by each jurisdiction based on assessed valuations, which would have favored Fairfax, and noted that a cash payment was not part of that proposed agreement.

Ross Valley Fire Chief Meagor responded to some of Councilmember Bragman's concerns. He noted that Sleepy Hollow had been contributing to the Fire Service and had purchased a portion of the assets over the years indirectly through their payments to San Anselmo; that the Mollenkopf judgment was overlooked and could be added to the assets of San Anselmo and Fairfax; that the JPA needed to change to survive; that personnel costs were the main expense; and that 1.2 to 1.5 million dollars was his estimate for the value of the assets of Ross Valley Fire; and that the Ross Valley Fire Board had approved of the proposal before the Council.

Frank Berto, Sleepy Hollow Fire, stated that Sleepy Hollow wanted to see the proposed agreement in writing and would then respond; that they were trying to correct an error made at the inception of Ross Valley Fire; that a Fire Code had to be adopted and a fire inspector hired and that they would use the County Fire Department to do that if too much time elapsed; that Sleepy Hollow had contributed almost a million dollars to Ross Valley Fire over the years; that Sleepy Hollow agreed to not receiving a portion of the

money embezzled by Mollenkopf, but agreed to use the money to help buy a new fire truck; and that he believed they had contributed more than their share over the years.

Frank Egger, Meadow Way, stated that the proposal to have Sleepy Hollow save the Fire Service \$150,000 with the purchase of a fire truck was not given in writing; newspapers reported the proposed expansion on the basis of this benefit to Fairfax that was never in writing; stated that Ross was the logical entity to join the Ross Valley Fire Service because they would provide a building, firefighters and equipment; that Sleepy Hollow would save about \$400,000 by using Ross Valley Fire instead of using the County of Marin to provide fire protection services; and that Sleepy Hollow would not contribute any assets to the Fire Service. He stated that all three entities needed to contribute to the capital assets of the Fire Service. He further stated that there were three main issues: (1) assessed valuation should be used as the basis to determine contribution amounts to the Fire Service. On this basis, Fairfax would save \$184,000 per year. (2) Fairfax's share of the Mollenkopf settlement of \$152,000 would be lost to the Fire Service with the addition of Sleepy Hollow. (3) He recommended that the issue was important enough to put to a vote of the people as had been done for the Paramedic Authority and the Ross Valley School District.

Mark Bell, Dominga Ave., asked how the Fire Service would be stronger with the addition of Sleepy Hollow and why Ross would want to join Ross Valley Fire.

Mayor Maggiore described the Fire Board's unsuccessful efforts to have Ross join the Fire Service.

Councilmember Tremaine clarified that the Fire Board representatives were requesting that the Council vote to direct them to make an offer to Sleepy Hollow and asked that the decision not be delayed until the meeting on the 20th so that the Fire Board could act at their next meeting. He suggested that the full revised agreement document would be returned to the Town Council for public hearing and action. He noted that one of the reasons that Ross was reticent to join the Fire Service was because of the rift that existed between Sleepy Hollow and Fairfax.

M/S, Tremaine/Maggiore, Motion to direct Fire Board representatives Maggiore and Tremaine to make an offer to Sleepy Hollow to join the Ross Valley Fire Service at their next meeting.

AYES: Brandborg, Maggiore, Tremaine, Weinssoff
NOES: Bragman

(Councilmember Brandborg left the meeting at 12:05 a.m.)

Discussion and Approval of a Letter to the California Department of Food and Agriculture notifying that department of Fairfax policy requiring notification and prohibiting the use of pesticides on or in the commons, Bragman

Councilmember Bragman described the proposed spraying; reported on the health complaints after spraying had been done in Santa Cruz and Monterey; expressed concern about the planned spraying in conflict with our Town pesticide ordinance; and requested that a letter be sent to the Department of Food and Agriculture expressing our concern and notifying them of our ordinance.

M/S, Bragman/Weinsoff, Motion to authorize the Mayor to send a letter as requested with a friendly amendment by Mayor Maggiore that copies of the letter be sent to Senator Carole Migden and Assemblyman Jared Huffman.

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

Request for Council appointment of a subcommittee to meet with representatives from the school district to discuss traffic, Weinsoff

Vice Mayor Weinsoff presented a proposal to appoint a committee to help reduce traffic by working with local school districts, Ross Valley and Tamalpais on possible staggered school schedules.

M/S, Tremaine/Bragman, Motion to appoint Vice Mayor Weinsoff and Councilmember Bragman to serve on a subcommittee to meet with representatives from the school districts to discuss traffic.

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

Request for a resolution offering the Town's condolences to the Fairfax family (descendants of Lord Fairfax) on the loss of their family home in England due to a fire and authorization to replace the items given to the family during their visit in August of 2002

M/S, Weinsoff/Tremaine, Motion to offer condolences to the Fairfax family and support in providing replacements with all members of the Town Council to sign any resolution or proclamation to be presented to the Fairfax family.

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

Second Reading and Adoption of Ordinance No. 731, an Ordinance of the Town of Fairfax amending the noise ordinance to include leaf blowers

M/S, Tremaine/Weinsoff, Motion to waive further reading of Ordinance No. 731, an Ordinance of the Town of Fairfax amending the noise ordinance to include leaf blowers.

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

M/S, Tremaine/Weinsoff, Motion to adopt Ordinance No. 731 an Ordinance of the Town of Fairfax amending the noise ordinance to include leaf blowers.

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

ABSENT: Brandborg

Adjournment to February 20, 2008

The meeting was adjourned at 12:20 a.m. to February 20, 2008.