

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, May 7, 2008

The meeting at the Women's Club was preceded by a Closed Session meeting at the Youth Center, 16 Park Road.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Larry Bragman  
Susan Brandborg  
Mary Ann Maggioro  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:**

Michael Rock, Town Manager  
Jim Karpiak, Town Attorney  
Ann Welsh, Planning Director  
Kathy Wilkie, Public Works Director  
Ken Hughes, Chief of Police  
Ian Roth, Finance Director  
Mark Lockaby, Building Official  
Judy Anderson, Town Clerk

Mayor Maggioro called the meeting to order at 7:40 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Tremaine, Motion to approve the Agenda and the affidavit of posting with the addition of the observance of a moment of silence for the over 20,000 Burmese victims of a devastating earthquake, as requested by Councilmember Brandborg.

AYES: All

Moment of Silence

A moment of silence was observed for the victims of the recent earthquake in Burma.

Announcement of Closed Session Action

Mayor Maggioro reported that the Council had conferred with legal counsel on two pending litigation cases, on two potential litigation cases, and on the initiation of litigation in one case. She also reported that a performance evaluation of the Town Manager had been performed and that Council had received information and had given direction in all matters.

Announcements

Mayor Maggioro made the announcements as listed on the agenda and urged the audience to apply for one of the vacancies on a board or commission. She also announced that a teen musical circle would be held during the Fairfax Festival.

Open Time for Public Expression

John Reed, Fairfax Volunteers, reported on two recent Volunteer events celebrating Earth Day. He described the trail marking project that involved the clearing of trails and placing of posts

marking pedestrian trails in Town. He noted that the posts had been decorated with reflective markings to better identify them.

Patrick Troupe, Olema Rd., thanked the Town Council for allowing the successful “Good Festival” in 2007 year and informed them that another festival was being planned for August of 2008.

## CONSENT CALENDAR

**Accept and file fiscal year-to-date financial report**

**Award of bid for Pastori Avenue Storm Drain Replacement Project**

**Approval of Town Council minutes of March 5 and 15, 2008**

**Adoption of Resolution No. 2539, a Resolution of the Town Council of the Town of Fairfax in opposition to State Proposition 98**

**Adoption of Resolution No. 2540, a Resolution of the Town Council of the Town of Fairfax in support of State Proposition 99**

Michael Mackintosh, owner, 60 Pastori Ave., spoke to the item about the Pastori Avenue Storm Drain Replacement Project and expressed concern about the increased capacity of the pipes and about access during the project. He requested that a fire engine and an EMT vehicle be parked on his property and that his tenants be allowed to park at the shopping center during the project.

M/S, Weinsoff/Tremaine, Motion to adopt the Consent Calendar as presented.

AYES: Bragman, Brandborg (All but the financial report) Maggiore, Tremaine,  
Weinsoff

NOES: Brandborg (on the Financial Report only)

## Introduction of new business owners to the Town, Maggiore

Mayor Maggiore introduced Lake Hanya, the owner of a new business in Fairfax, Elsewhere Gallery at 1828 Sir Francis Drake Blvd., and commended her for the vibrancy her business had brought to that area of town.

## Introduction and Oath of Office for newly hired Public Works Director, Kathleen Wilkie

Mayor Maggiore introduced newly appointed Public Works Director, Kathy Wilkie, and Town Clerk Anderson administered the Oath of Office to Ms. Wilkie.

## Report on Transportation Authority of Marin (TAM) Sir Francis Drake Blvd. Rehabilitation Project in West Marin at Samuel P. Taylor Park and discussion of possible letter of opposition to the project

Mayor Maggiore introduced the topic, described calls she had received from citizens against one of the three options proposed for the project that involved removing at least 19 redwood trees. She asked for authorization to send a letter to TAM in support of Option 1 that would not involve the removal of old growth redwoods.

Andy Peri, 10 Cypress, Marin County Bicycle Coalition (MCBC) member, thanked Mayor Maggiore for the letter and agreed that it was premature to oppose a project that had yet to

undergo the environmental review process. He stated that Option 1 was the preferable option and that Option 3 was unthinkable. He stated that MCBC had yet to take a position but that they wanted the road to be safe for bicyclists and pedestrians.

M/S, Tremaine/Weinsoff, Motion to authorize the letter as drafted by Mayor Maggiore.

AYES: All

Introduction and first reading of Ordinance No. 734, Amending Chapter 1.12 of the Fairfax Municipal Code to Codify a Nuisance Abatement Procedure

Town Attorney Karpiak presented the report.

The Town Council discussed the proposed abatement process.

Mayor Maggiore opened the discussion to the public.

No speakers came forward.

There was a consensus of the Council to ask that edits be made as requested in the Council discussion, and that the ordinance be brought back before them in June for the first reading.

Adoption of Resolution No. 2541, 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 14, 2008 and Town Festival, Including an Eco-Fest, on June 14 and 15, 2008

Councilmember Bragman explained the need for the restriction of use of the Pavilion parking lot for the Eco Fest and the children's activities on the baseball field. He explained that attempts to restrict parking had been unsuccessful the previous year because it hadn't been made official. He requested that the lot be closed to the public all day on Saturday and Sunday during the Festival.

M/S, Tremaine/Bragman, Motion to adopt Resolution No. 2541, 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 14, 2008 and Town Festival, Including an Eco-Fest, on June 14 and 15, 2008.

AYES: All

Discussion of Public Pay Phones in Fairfax, Tremaine and Weinsoff

Councilmember Tremaine and Vice Mayor Weinsoff stated that the item was the result of an email received from a woman concerned about the dearth of pay telephones in the downtown area and who reminded the Council members that not all citizens had cell phones. They stated that it had been brought it forward as a safety issue.

There was a consensus of the Council, at the suggestion of Town Manager Rock, that the issue of pay phones be investigated by staff and made a part of the budget process.

Mark Bell, Dominga Ave., related a problem his wife had when her car broke down and a phone wasn't available.

Light Brown Apple Moth (LBAM) Update. Bragman (oral)

Councilmember Bragman presented an update on the LBAM and stated that Santa Cruz had secured an injunction from the court against the planned June spraying; that the judge had asked the State to present crop damage evidence and they were unable to do so; and that, later that same morning, the governor had agreed to a postponement of any spraying;. He explained that expansion of the spraying was planned for other areas in the U.S., that a whole new wave of biotechnical chemicals were to be used, and that this presented a new issue with major implications.

Mayor Maggiore adjourned the meeting for a break at 8:55 p.m. until 9:08 p.m.

### Strategic Plan Update and Review

Town Manager Rock presented the staff report. He stated that the improvement of the sidewalks on Bolinas had been established as a priority; noted that an engineer was needed to do an assessment of the sidewalks to create a plan; that a plan had been received from Morgan Hall, but that at least one alternate plan was needed; and that the plan would have to go through the public approval process. Councilmember Brandborg ascertained that the Bolinas sidewalk improvement project had been approved by the Measure K Oversight Committee.

There was a discussion of the status of various non-motorized transportation grants, namely a circulation study grant for the Pavilion and an \$80,000 grant for a sidewalk in front of the library.

Councilmember Bragman presented background on the sidewalk grant and described the efforts of bicycle advocates to change the grant to allow for the installation of a bike path. He stated that a large part of the grant was for walkways and pathways throughout Town and that it had been delayed. He noted that the grants were made by the Board of Supervisors and asked to be kept informed about the progress of the grants.

Councilmember Bragman noted that the County had received lots of applications for re-assessment of property taxes and requested a breakdown of the effect on Fairfax's sales tax revenue for the coming year.

There was a consensus of the Council to address the Strategic Financial Plan at a meeting in the near future before consideration of next year's budget.

### Reports from Town Officials

Town Manager Rock reported that the shared services consultant had requested an opportunity to speak to each Council member, and meeting times were scheduled for that purpose.

Mayor Maggiore reported that all the Council members except Councilmember Bragman had attended the recent meeting of the Marin County Mayors and Council Members held at Deer Park Villa and reported on that meeting.

Councilmember Tremaine reported that the Ross Valley Fire Board would be continuing their discussions about Sleepy Hollow joining the service and would report on the progress of those discussions at the Council meeting on the 21<sup>st</sup>.

Councilmember Bragman reported that he had been in Sacramento the night of the Marin Mayors and Council Members meeting testifying in front of the Legislature about the proposed spraying for eradication of the apple moth.

Town Clerk Anderson reported on a recent conference she attended in Bakersfield.

M/S, Weinsoff/Brandborg, Motion to adjourn to May 21<sup>st</sup>.

AYES: All

Respectfully submitted,

Judy Anderson, Town Clerk