

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, January 14, 2009

The regular meeting was preceded by a closed session meeting at the Youth Center, 16 Park Rd., regarding Town of Fairfax v. John and Marlia Berg, per Government Code Section 54956.9(a).

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Susan Brandborg
Larry Bragman
Lew Tremaine
David Weinsoff

COUNCILMEMBERS ABSENT: Mary Ann Maggiore

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Jim Karpiak, Town Attorney
Kathy Wilkie, Public Works Director
Mark Lockaby, Building Official
Judy Anderson, Town Clerk
Joanne O'Hehir, Minutes Clerk

Mayor Weinsoff called the meeting to order at 7.30pm

Approval of Agenda and Affidavit of Posting

M/S, Brandborg/Bragman, Motion to adopt the agenda with the continuation of the item regarding the "Gadfly Chair", the item regarding a cease-fire in Gaza and the minutes of September 27th to the February meeting; and with the item regarding the request for a leave of absence by Councilmember Maggiore to be heard as the third item.

AYES: Bragman, Brandborg, Tremaine, Weinsoff
ABSENT: Maggiore

Announcement of Closed Session Action

Mayor Weinsoff reported that the Council was given information about the Fairfax v. Berg pending litigation and gave direction to Counsel.

Announcements

Mayor Weinsoff reported on an item from a recent meeting of the Disaster Council and recommended that citizens purchase a NOAA Weather and Hazard Alert Radio as a tool for receiving weather and emergency information and warnings of all hazards. He provided the Clerk with informational brochures printed by Ross Valley Fire and the Fairfax Police Department about the system.

Mayor Weinsoff announced that he would no longer be reading the announcements aloud at meetings and that future announcements would appear on the Town's Website.

Open Time for Public Expression

Diane Linn, Ritter Shelter, discussed a new program with the main purpose being to end homelessness in Marin.

Chris Hodges and Karen Bess, residents of Bay Court, said that their street was greatly in need of being repaired.

In response, Public Works Director Wilkie responded that the street was slated for repairs when funding became available.

Interview and appointments

Interview and appointment of candidate to serve on the Design Review Board for a full three-year term to January 31, 2012

Candidate Mallory Geitheim was present for the interview.

M/S, Brandborg/Bragman, Motion to appoint Mallory Geitheim to serve on the Design Review Board for a three-year term to January 31, 2012.

AYES: Bragman, Brandborg, Tremaine, Weinsoff
ABSENT: Maggiore

PRESENTATIONS

Adoption and Presentation of Resolution No. 09-01, a Resolution of the Town Council of the Town of Fairfax acknowledging 30 years of exemplary service to the Town by Chief of Police Ken Hughes

Mayor Weinsoff read and presented the Resolution of Appreciation to Chief Ken Hughes.

Chief Hughes accepted the resolution and made some remarks about his 30 year service.

Adoption and Presentation of Resolution No. 09-02, a Resolution of the Town Council of the Town of Fairfax Dedicating and Establishing the "Gadfly Chair" in honor of Stan Schriebman – Bragman/Weinsoff

Continued to the February meeting.

Mayor Weinsoff adjourned the meeting to allow for cake and congratulations from 7:45 to 7:55 p.m.

Approval of a request by Council Member Maggiore to be excused from Council Meetings through March 25, 2009

Mayor Weinsoff stated that the Town Attorney had interpreted the law as being in favor of allowing Council Member Maggiore to be excused, and confirmed that she would not be taking her monthly compensation during her leave of absence if the request was approved.

M/S, Bragman/Tremaine, Motion to approve the request by Council Member Maggiore to be excused from Council meetings through March 25, 2009; with Vice Mayor Tremaine to serve as the temporary alternate to the Transportation Authority of Marin and Councilmember Brandborg to serve on the Fire Board during her absence.

Ayes: Brandborg, Weinsoff, Bragman, Tremaine
Absent: Maggiore

Presentation by Larry Kennings, Acting Planning and Building Services Director, on the definition of a Site Specific Plan

Acting Planning and Building Services Director Kennings presented the staff report. He provided background information on Specific Plans, and he noted that it needed to be consistent with the General Plan, which he discussed. He explained that Specific Plans could be adopted by resolution or ordinance, and that most which had been adopted by Californian cities were a combination.

Mr. Kennings discussed the law pertaining to Specific Plans and noted that design guidelines were usually included. He discussed implementation strategies, such as the need for a financial plan which should be included in the specific plan. Mr. Kennings explained the reasons a specific plan would be good for the town including the involvement of public discussion.

Mr. Kennings discussed how general plans were affected by SEQA, and stated that a plan could be amended as often as was wished. He thought that the site of the former Albertsons would be suitable for a site specific plan and that he would envisage a series of workshops to put together a specific plan.

In response to Councilmember Brandborg, Mr. Kennings said that a Mixed use overlay was not necessary for a site specific plan.

In response to Councilmember Bragman, Mayor Weinsoff said that it was his understanding that the owner of the Albertson property would be amenable to a site specific plan, and Councilmember Tremaine noted that other areas existed that could be designated Site Specific Plan.

Councilmember Bragman stated that he would like a Site Specific Plan to incorporate the protections offered to residents by Use Permits.

General discussion on the process followed.

In response to Council Member Brandborg, Mr. Kennings said that the General Plan could be amended to ensure it would not conflict with a Site Specific Plan.

The public comment period closed when no-one wished to speak, and the consensus amongst the Council Members was reached whereby staff would provide a roadmap of the way forward.

Consent Calendar

Accept and file Revenue Reports, Check Detail Registers and Electronic Fund Transfer Reports for August through December, 2008

Report from the Town Manager on the Town's financial health and the State budget deficit

Approval of Town Council minutes of August 20, September 3, 27 and December 3, 2008 – Town Clerk

Adoption of Resolution No. 09-03, a Resolution of the Town Council of the Town of Fairfax Approving an Agreement with W-Trans for the Non-Motorized Transportation Pilot Program (NTPP) Parkade Circulation Study – Public Works

Adoption of Resolution No. 09-04, a Resolution of the Town Council of the Town of Fairfax adopting a Fee Schedule Established by the Marin General Services Authority for Taxicab Regulations

Approval of Clerk's annual posting of Board, Commission and Committee members and terms - Town Clerk

Adoption of Resolution No. 09-05, a Resolution of the Town Council of the Town of Fairfax of Gratitude and Support for the Marin Stables and Trails - Bragman

Endorsement of *Empowering Local Government Climate Action: Blueprint for President Obama and the 111th Congress*

Adoption of Resolution No. 09-06, a Resolution of the Town Council of the Town of Fairfax In Support Of Gaza Cease-Fire - Bragman

Discussion on the Consent Calendar occurred, and Councilmember Brandborg expressed concern that Council Members had waited too long for financial reports. She requested salary information for the next budget workshop.

M/S, Bragman/Tremaine, Motion to approve Consent Calendar and to continue items concerning the approval of the financial reports, the approval of the minutes of 9/27/08 meeting and the item adopting a resolution in support of a Gaza cease-fire, to the meeting of February 4, 2009.

AYES: Bragman, Brandborg, Tremaine, Weinsoff

ABSENT: Maggiore

PUBLIC HEARINGS

Mayor Weinsoff requested that the item regarding garbage rates be heard next.

Adoption of Resolution No. 09-07, approving a garbage and recycling service rate increase beginning April 1, 2009 – Town Manager

Town Manager Rock provided a brief staff report, in which he noted that there had not been a rates increase for eight years. He explained why he recommended approval of the rates rise.

Councilmember Bragman said that they had studied Marin Recycling's accounts, and that the rates had not kept up with the operating costs. Furthermore, homeowners would have the option of using smaller containers at the present rate.

Councilmember Brandborg noted that the rates would still remain the lowest in the county and she recommended approval.

Councilmember Tremaine said he was pleased with the rates negotiated, and mentioned that in the interests of openness, Marin Sanitary District donated to the non-profit organization for which he works although his area of work had not directly benefitted from the donation.

Mayor Weinsoff opened the public hearing.

Linda Novy, Cascade Drive, said she supported the raise and that Marin Sanitary District was an environmentally progressive company.

Patty Garbarino, Marin Sanitary District, thanked the Council Members and staff. Ms. Garbarino introduced her staff, and said that they encouraged customers to produce less waste.

Mayor Weinsoff closed the public hearing.

M/S, Brandborg/Bragman, Motion to adopt Resolution No. 09-07, approving a garbage and recycling service rate increase beginning April 1, 2009

AYES: Bragman, Brandborg, Tremaine, Weinsoff

NOES: None

ABSENT: Maggiore

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 – Town Attorney

Town Attorney Karpiak presented the staff report and noted that there were no substantive changes except that surveys would not be recorded as part of the application process.

In response to Councilmember Bragman, Town Manager Rock said that the purpose of not requiring surveys to be recorded was to facilitate the process and reduce the cost for the homeowners.

Mayor Weinssoff opened the public hearing and no speakers came forward.

M/S, Brandborg/Tremaine, Motion to waive further reading and read 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, Brandborg, Tremaine, Weinssoff
NOES: None
ABSENT: Maggiore

M/S, Brandborg/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, Brandborg, Tremaine, Weinssoff
NOES: None
ABSENT: Maggiore

Mayor Weinssoff adjourned the meeting for a break from 9:10 to 9:20 p.m.

Mayor Weinssoff announced that the last item on the Agenda would be heard next.

Adoption of Resolution No. 09-12, A Resolution of the Town Council of the Town of Fairfax Approving the Construction of a Pedestrian and Bicycle Parking Bulb-out on Broadway – Town Manager

Public Works Director Wilkie presented the staff report. She discussed the improvements that were planned and noted that the owner would pay for the improvements but that the Town would assume ownership and responsibility for maintenance. Furthermore, parking would not be removed.

Councilmember Bragman explained that the site had been identified by the Bicycle and Pedestrian Advisory Committee as a possible project site. He expressed his support for the project as a good amenity that would benefit the entire block; stated that it could be a model for Bolinas Road improvements; and that the Chamber of Commerce might be willing to pay for some furniture there.

Councilmember Brandborg stated that a massage stand had been using the space on the weekends, and Public Works Director Wilkie noted that this was an enforcement issue.

Vice Mayor Tremaine stated that the site had become a gathering place anyway; that it would provide pedestrian congestion relief; that it was a good project; and that it was great that the owners of Scoop were willing to contribute.

Mayor Weinssoff opened the discussion to the public but no speakers came forward.

M/S, Bragman/Tremaine, Motion to adopt Resolution No. 09-12, A Resolution of the Town Council of the Town of Fairfax Approving the Construction of a Pedestrian and Bicycle Parking Bulb-out on Broadway.

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

Recommendations from the Shared Services Committee, Brandborg/Tremaine

Police Chief Hughes presented the Staff Report. He discussed the three options contained in the McCreary report for saving revenue, with the best option being to relocate San Anselmo's dispatch service to Fairfax. However, Police Chief Hughes reported that San Anselmo believed the overall savings from moving their dispatch to Fairfax was insufficient to proceed.

Furthermore, San Anselmo undertook a separate report, which Police Chief Hughes discussed. He said that it appeared from the report that San Anselmo was no longer interested in the recommendations of the McCreary report.

Councilmember Brandborg said that San Anselmo had not participated fairly in negotiations and that she did not believe they would move any part of their operations to Fairfax.

Councilmember Tremaine explained why he believed that further negotiations with San Anselmo would be futile and stated that San Anselmo remodeled their dispatch center following the flood in anticipation of consolidating services in their town.

Councilmember Bragman said that San Anselmo's proposal was indifferent to the community's needs, which he discussed. He believed that Fairfax should continue to provide a community-friendly full-time police service. However, he would recommend that staff consider bidding for the contract at College of Marin when it comes up for renewal.

Mayor Weinssoff said he would recommend a further meeting with San Anselmo to discuss the unification of the Police Departments.

Mayor Weinssoff opened the discussion to the public.

Mark Bell, 63 Dominga, suggested that San Anselmo be requested to reimburse Fairfax for the town's share of the cost of the consultant's report.

M/S Weinssoff/ Motion to hold a meeting between the Town Council of San Anselmo and the Town Council of Fairfax no later than the end of February 2009 in order to discuss the merging of the Police Departments.

Motion died through lack of a second.

M/S Tremaine/Brandborg, Motion to direct staff to make no further effort in the concept of consolidating the Police Departments until such time it is known whether or not Measure F has been renewed.

AYES: Bragman, Brandborg, Tremaine, Weinssoff

NOES: None
ABSENT: Maggiore

Following the vote, Councilmember Bragman said that Fairfax did its due diligence in trying to realize savings.

Councilmember Brandborg noted that the McCreary Report and the San Anselmo proposal could be kept on hand should the subject need reviewing in the future.

Adoption of Resolution 09-08, A Resolution of the Town Council of the Town of Fairfax adopting guidelines for the placement of surface-mounted utility facilities in the public right-of-way (continued from 12-3-08) - Public Works

Town Attorney Karpiak introduced the staff report and stated that the revisions to the guidelines made were shown on a redline version of the document in the Council packet. He further stated that Mill Valley had never adopted guidelines, so could not provide a regulatory model.

Public Works Director Wilkie reported that AT&T had not pursued the installation of boxes in residential areas in Mill Valley.

Councilmember Bragman said that boxes should not be placed in parks or open spaces, and that the Parks and Recreation Committee and/or the Open Space Committee should have input on their location.

Town Attorney Karpiak noted that the Town would have 60 days to respond, which could pose a problem and discussion followed.

Councilmembers Tremaine and Bragman were in agreement that the cabinets should be discouraged from being placed in parks; that applications should be routed through local committees and the agreement should be for two years. There was consensus from the Council for Town Attorney Karpiak to continue to work with Counsel for AT&T on compromises.

Discussion of Public Works projects planned for the Town in anticipation of a Federal Economic Stimulus Package - Public Works

Public Works Director Wilkie presented the staff report. She noted that additional staff would be necessary to implement capital projects worth \$5,000,000 if funding were made available.

Vice Mayor Tremaine asked if the Utility Users Tax overpayment money was being used to make the town buildings more efficient

Public Works Director Wilkie responded that there would be an opportunity to identify the projects when the money was granted and that work on the buildings could be added.

Mayor Weinssoff asked that they consider moving Town Hall out of the flood zone and was reminded that the list of projects had to be "shovel ready."

Councilmember Bragman suggested that the installation of fiber-optic to the Women's Club and the Pavilion be added as a project. He also suggested a new expanded storm drain under Wood Lane from Pastori to the stables; that Bolinas Road Bridge might need work; and that the addition of classrooms under the Pavilion would be a good idea.

Councilmember Brandborg asked about the expansion of the community garden since it was located on County property and was informed by Town Manager Rock that the County library was interested in working with the Town on such a project.

Adoption of Resolution No. 09-09, A Resolution of the Town Council of the Town of Fairfax Appointing a Council Member and an Alternate to represent Fairfax on the newly created Marin

Energy Authority JPA Board of Directors – Town Manager

Town Manager Rock made a brief presentation of the staff report, and he noted that the first meeting would be in February.

In response to Councilmember Brandborg, Town Manager Rock said that the rate payers were responsible for paying Fairfax's fees.

Mayor Weinsoff opened the public hearing and no speakers came forward.

M/S, Weinsoff/Tremaine, Motion to appoint Councilmember Tremaine with Councilmember Bragman as alternate to represent Fairfax on the newly created Marin Energy Authority JPA Board of Directors.

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

Appointment of Alternate Representative to the Community Development Block Grant Committee – Town Manager

Town Manager Rock explained that there was no alternate representative in Ms. Maggiore's absence and that it would be advisable for one to be nominated.

Mayor Weinsoff opened the discussion to the public and no speakers came forward.

M/S, Brandborg/Bragman, Motion to appoint Councilmember Brandborg as alternate representative to the Community Development Block Grant Committee.

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

Adoption of Resolution No. 09-10, A Resolution of the Town Council of the Town of Fairfax Approving the Revised Project Scope for the Non-Motorized Transportation Pilot Program (NTPP) Sir Francis Drake Sidewalk Improvements from Olema to Broadway – Public Works

Public Works Director Wilkie introduced the staff report and explained why a bike lane had been proposed.

Councilmember Bragman noted that the project would slow traffic, and Councilmember Brandborg expressed a hope that cyclists and pedestrian groups would use the path.

Mayor Weinsoff opened the the discussion to the public and no speakers came forward.

M/S, Bragman/Tremaine, Motion to adopt Resolution No. 09-10, to approve the revised project scope for the Non-Motorized Transportation Pilot Program (NTPP) Sir Francis Drake Sidewalk Improvements from Olema to Broadway.

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

Adoption of Resolution No. 09-11, A Resolution of the Town Council of the Town of Fairfax, A Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Fairfax – Town Clerk

Town Manager Rock introduced the staff report and he briefly discussed the two-tiered retirement system Fairfax wished to adopt and noted that this one was for the Police Department.

Mayor Weinssoff opened the public hearing and no speakers came forward.

M/S, Brandborg/Tremaine, Motion to waive the reading of Resolution No. 09-11 to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Fairfax .

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

M/S, Brandborg/Tremaine, Motion to adopt Resolution No. 09-11 to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the Town Council of the Town of Fairfax .

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

Introduction and First Reading of Ordinance No. 741, An Ordinance of The Town of Fairfax Authorizing an Amendment to the Contract Between the Town of Fairfax and the Public Employees Retirement System – Town Clerk

M/S, Brandborg/Tremaine, Motion to waive the reading of Resolution No. 741, An Ordinance of The Town of Fairfax Authorizing an Amendment to the Contract Between the Town of Fairfax and the Public Employees Retirement System.

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

M/S, Brandborg/Tremaine, Motion to Adopt Resolution No. 741, An Ordinance of The Town of Fairfax Authorizing an Amendment to the Contract Between the Town of Fairfax and the Public Employees Retirement System.

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

REPORTS FROM TOWN OFFICIALS

Town Manager Rock noted that the plastic bag ordinance would go into effect in May 2009, and requested guidance from the Council for their preference in notifying merchants. There was a consensus of the Council to send a letter with copies of the ordinance to the affected businesses and to undertake outreach through the Chamber of Commerce.

COUNCIL REPORTS AND COMMENTS

No reports were given.

ADJOURNMENT

The meeting was adjourned at 11pm