

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, November 4, 2009

The regular meeting was preceded by a special meeting closed session regarding pending litigation.

Call to Order/Roll Call:

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

STAFF MEMBERS PRESENT: Michael Rock, Town Manager
Jim Moore, Planning Director
Laurie Ireland-Ashley, Finance Director
Jim Karpiak, Town Attorney
Kathy Wilkie, Public Works Director
Judy Anderson, Town Clerk

Mayor Weinsoff called the meeting to order at 7:35 pm.

Approval of Agenda and Affidavit of Posting

M/S, Maggiore/Tremaine/Bragman, Motion to approve the agenda and the Affidavit of Posting.

AYES: All

Announcement of Closed Session Action

Mayor Weinsoff announced that the Council had received information from the Town Attorney and had given direction on the pending litigation, Fairfax v. John and Marlia Berg and that they had conferred about the performance evaluation of the Town Manager.

Announcements

Mayor Weinsoff announced that there would be a break after "Open Time" to honor the two Council Members leaving the Council and noted that the meeting would be adjourned in the memory of former Ross Valley School District Superintendent, Frank Elliott.

Open Time for Public Expression

Cindy Ross, Lansdale Ave., stated her objection to the inclusion of the Salaam Café as a food vendor at the Fairfax Festival; said that the group was very political and offensive; and asked that they not be invited to participate in the Festival in 2010. She stated that others had also expressed objections to the group, that her discussions with the chair of the Festival Committee hadn't been satisfactory, and that the inclusion of the group at the Festival was inappropriate. She further stated her preference for the use of food vendors raising funds for local non-profit organizations.

Mayor Weinsoff suggested that the Town Manager discuss the issue with Ms. Ross.

Michael Mackintosh, Pastori Ave., asked the Council to elaborate on the announcement regarding the Berg lawsuit.

Town Attorney Karpiak stated that attorney-client confidentiality was in effect for discussions held in the closed session.

Mayor Weinsoff polled the Council to determine whether or not they wished to disclose more information about the closed session, and no members expressed a wish to do so.

Michael Mackintosh, Pastori Ave., stated that he had expected a report on the bulb-out on Broadway that was discussed at the previous meeting.

Town Manager Rock stated that the Town had received a report from the ADA specialist and that staff would report on the matter with a recommendation for direction at the December meeting.

Mayor Weinsoff adjourned the meeting from 7:45 to 8:00 p.m. for a break and invited the audience to share cake and good wishes with the retiring Council Members Brandborg and Maggiore.

Interview and appointment of candidate to serve a full three-year term on the Volunteer Board to November 30, 2013

The Town Council commended Ms. Peratis for her contributions to the Town during her previous term on the Volunteer Board and interviewed her for re-appointment.

M/S, Bragman/Brandborg, Motion to appoint Melanie Peratis to a full three-year term on the Volunteer Board to November 30, 2012.

AYES: All

Presentation of Audit for Fiscal Year 2007 – 2008 – Capporici and Larson, Certified Public Accountants

The presentation of the audit was continued to the December 2nd meeting.

Consent Calendar

Approval of Town Council minutes of October 7, 2009 – Town Clerk

Accept and File Monthly Finance Report for September, 2009 – Finance

Accept and File Quarterly Report from the Town Treasurer – Town Treasurer

Accept and File Quarterly Financial Report - Finance

Adoption of a Resolution of the Town Council of the Town of Fairfax Adopting the Police Department Plan to Allocate Funds for the Citizens Option for Public Safety (COPS) Program – Police

Adoption of a Resolution of the Town Council of the Town of Fairfax approving the form of authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith - Finance

Approval of Amendment to Town Manager’s contract to include an out of pocket contribution to the employee portion of retirement to match the contribution agreed to in the Management Employees MOU – *Town Manager*

Approval of a letter for the Mayor’s signature to Attorney General Edmund G. Brown objecting to Sutter Health taking millions of dollars in profit out of Marin County and into their Corporation – *Weinsoff*

Approval of a letter of appreciation for the Mayor’s signature to the Town of Tiburon for the approval of the Tax and Revenue Anticipation Note (TRAN) - *Weinsoff*

Discussion of Consent Calendar:

Councilmember Brandborg noted that in the minutes of October 7th the Council approval of an event in the park was reported; that she had attended that event and had seen a Green Party banner urging the public to vote for certain Council candidates; and stated that Town-sponsored events shouldn’t include political statements.

Town Manager Rock stated that he would talk to the Parks and Recreation Commission about the inappropriateness of political statements at their sponsored events.

Councilmember Maggiore provided the Town Clerk with suggested edits to the minutes of October 7th.

Councilmember Bragman asked for clarification of the fund balance in the Dry Period Fund and of the amount in the Local Agency Investment Fund.

Councilmember Bragman asked for an opportunity to read over the proposed amendment to the Town Manager’s contract before approving it and asked that the Council be provided with copies of the original contract.

M/S, Tremaine/Brandborg, Motion to adopt the Consent Calendar.

AYES: All

Adoption of a Resolution of the Town Council of the Town of Fairfax establishing rules for the use of the Fairfax tennis courts – *Police*

Town Manager Rock presented the staff report.

M/S, Tremaine/Brandborg, Motion to adopt the resolution establishing rules for the use of the Fairfax tennis courts as presented.

AYES: All

Report on the status of the General Plan and Specific Plan – *Planning*

Planning and Building Services Director Moore presented the staff report.

He stated that the Circulation Element would be before the Council at the December meeting and that he had met with the property owner of Fair-Anselm Center and his consultant about the possible specific plan for the property. He noted that Marin Town and Country Club owner Mackintosh had stated that he wasn’t interested in participating in the site process but wanted to be kept informed.

In response to questions from Council, Director Moore explained that the property owner had not yet committed to the site plan process.

Councilmember Bragman ascertained from staff that there was no new information about possible PCE levels at the Fair-Anselm site.

Report on the status of the abatement of a nuisance on Oak Manor Drive Assessor's Parcel Number 174-070-71, Phillips - Planning

Building and Planning Services Director Moore presented a report and stated that the animals had been removed from the site as requested; that the large recreational vehicle (R.V.) had not yet been moved but that the owner had promised that it would be; and that the fee paid for the use permit had been refunded to the applicant and the application withdrawn.

In response to a question from Councilmember Brandborg asking what would happen if the R.V. wasn't moved, Director Moore stated that the Town Attorney would secure a warrant and the vehicle would be impounded.

Approval of Town Response to the Grand Jury request regarding the makeup and operation of the Fairfax Town Council – Town Manager

Town Manager Rock presented the staff report.

M/S, Maggiore/Brandborg, Motion to approve the Town response to the Grand Jury request for information regarding the makeup and operation of the Fairfax Town Council.

AYES: All

Discussion of Ross Valley School District Shared Use Facilities Planning – Weinssoff

Mayor Weinssoff introduced Sharon Sagar, President of the Ross Valley School Board and a resident of Fairfax.

Ms. Sagar described the long term trend for increased enrollment at the Ross Valley Schools. She reported that the Committee exploring the problem had posed three alternatives: the re-opening of either Deer Park School or Red Hill or the building of a new school at Marin Town and Country Club. She stated that a traffic study had been done for all three sites that determined that a new school at Marin Town and Country Club would have the least traffic impact. She noted that it would take two to three years to build a school; that a bond would be necessary to fund such a project; that it would be a long-term investment; and that the need was so great that it wasn't possible to wait until the economy improved to act.

Councilmember Bragman requested a copy of the traffic study and Ms. Sagar agreed to send a copy of the study to Town Manager Rock for distribution to the Town Council.

Mayor Weinssoff opened the discussion to the public.

A citizen stated that the financial environment we were entering into was extremely unfriendly to bonding; that funding should be done on some kind of pay as you go system; and that an alternative to a bond should be sought.

Mayor Weinssoff noted that school funding was a School Board decision, not a Town Council decision.

Councilmember Maggiore noted that Kentfield parents contributed something financially and suggested that this be explored.

Ms. Sagar acknowledged that Ross Valley received assistance from the parents through the YES Foundation and that their funding was used for programs, not buildings.

Council Reports and Comments

Councilmember Maggiore thanked the community for their support of Measure "I". She further stated that her four years on the Council had been an incredible ride and thanked the staff and the Council for all of their help.

Adjournment

Mayor Weinsoff adjourned the meeting at 8:43 p.m. in memory of Frank Elliott, former Superintendent of the Ross Valley School District, and announced the special meeting to seat the new Council to be held on November 30, 2009.

Respectfully submitted,

Judy Anderson, Town Clerk