

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

The regular meeting was preceded by a closed session meeting at the Youth Center, 16 Park Rd., regarding the appointment of a new Planning and Building Services Director. 56.9(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
Linda Neal, Senior Planner
Larry Kennings, Acting Planning Director
Ken Hughes, Police Chief
Judy Anderson, Town Clerk
Joanne O'Hehir, Minutes Clerk

Mayor Weinsoff called the meeting to order at 7.34pm

Interview of candidate for appointment to the Measure F Oversight Committee

Brad Widelock was interviewed by the Council.

Interview of candidates for appointment to the Planning Commission for two vacancies for four-year terms to February 28, 2013

Peter Lacques and Peter Ramsay were interviewed by the Council.

Approval Of Agenda And Affidavit Of Posting

M/S, Bragman/Tremaine, Motion to approve the agenda and the affidavit of posting with the item regarding the award of a contract for the installation of SPG Solar to be removed from the Consent Agenda and be heard as the first item under Public Hearings.

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

Announcement of Closed Session Action

Mayor Weinsoff announced that information was received from the Town Manager on the recruitment of a Planning and Building Services Director and that direction had been given.

Announcements

Mayor Weinsoff announced that openings on boards and commissions also appeared on the

Town's Web site.

Mayor Weinsoff reported that he had attended a Marin Municipal Water District meeting at which water conservation had been emphasized.

Mayor Weinsoff also reported that the Ritter Center, whose representatives had given a presentation at a previous meeting, would be substituting cows for small houses for their public art fund-raising project.

Councilmember Bragman requested that the meeting be adjourned in the name of May Lou Conroy, a retired Fairfax school teacher who had passed away recently.

M/S, Bragman/Tremaine, Motion that the meeting would be adjourned in memory of May Lou Conroy.

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

Open time for Public Expression

No speakers came forward.

Appointment to the Measure F Oversight Committee – Town Clerk

M/S, Brandborg/Tremaine, Motion to appoint Brad Widelock to serve on the Measure F Oversight Committee.

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

Appointments to the Planning Commission for two four-year terms to February 28, 2013 – Town Clerk

M/S, Brandborg/Bragman, Motion to appoint Commissioners Lacques and Ramsay for two four-year terms to the Planning Commission to February 28, 2013.

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

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

Mayor Weinsoff and Councilmember Bragman recalled that resident Stan Schriebman was dedicated to ensuring that a high level of open government was maintained by the Town.

M/S, Bragman/Weinsoff, Motion to adopt Resolution No. 09-02, to dedicate and establish the "Gadfly Bench" in honor of Stan Schriebman.

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

Consent Calendar

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

Approval of Town Council minutes of September 27 (continued from January 14) and October 1, 008; January 14, 2009 – Town Clerk

Adoption of Resolution No. 09-13, A Resolution of The Town Council of The Town of Fairfax Authorizing Temporary Closure of Certain Streets and Portions Thereof, to Allow a Little League Opening Day Parade On Saturday, March 14, 2009 – Town Clerk

Adoption of Resolution No. 09-14, A Resolution of the Town Council of the Town of Fairfax authorizing a Notice of Completion for the Fairfax Creek Project at 300 Olema – Public Works

Authorization to issue a Request for Proposals for Town Engineer Consultant Services – Public Works

Adoption of Resolution No. 09-15, A Resolution of the Town Council of the Town of Fairfax awarding the Pavilion Photovoltaic Design and Installation contract to SPG Solar in an amount not to exceed \$228,578.43 – Public Works

Adoption of Resolution No. 09-16, A Resolution of the Town Council of the Town of Fairfax authorizing application for a Fire Safe grant – Town Manager

In response to a question from Councilmember Brandborg, Town Manager Rock stated that for the item concerning the Adoption of Resolution No. 09-16, a cash match would not be required for the grant, but that the 10% match would be in-kind services from volunteers.

Mayor Weinssoff opened the meeting to the public for comment on the Consent Calendar.

Helen Faus, Scenic Road, stated that the Town should take an active role in fire prevention before the fire season began and suggested that a committee should be formed to address the issue.

In response to Ms. Faus, Councilmember Bragman stated that further discussion should be reserved for the later item on the Agenda regarding brush clearing.

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

AYES: Brandborg, Weinssoff, Bragman, "Tremaine

NOES: None

ABSENT: Maggiore

Adoption of Resolution No. 09-15, A Resolution of the Town Council of the Town of Fairfax awarding the Pavilion Photovoltaic Design and Installation contract to SPG Solar in an amount not to exceed \$228,578.43 – Public Works

Town Manager Rock explained that the contract was not quite ready and asked for authorization to execute the contract when negotiations were finished. The Council requested copies of the contract once it was signed.

M/S, Bragman/Brandborg, Motion to adopt Resolution No. 09-15, A Resolution of the Town Council of the Town of Fairfax awarding the Pavilion Photovoltaic Design and Installation contract to SPG Solar in an amount not to exceed \$228,578.43

AYES: Bragman, Brandborg, Tremaine, Weinssoff

NOES: None
ABSENT: Maggiore

Public Hearings

15 Acacia Road; Application # 08-46 Request for a driveway width variance to construct a 51ft wide driveway while the Town Code limits driveway widths to 20ft; Assessor's Parcel No. 001-112-13; Residential Single-family RS 6 Zone; Jeff Kroot, applicant; Ted Pugh and Ricki Kerner, owners; CEQA categorically exempt, § 15303(a), 15305(a) and (b) - Planning

Senior Planner Neal presented the staff report. She stated that Town Code had required the Town Council to determine whether findings existed for the variance to be granted to widen the driveway. Ms. Neal explained that the Fire Department required a driveway of sufficient width to allow for a turnaround.

In response to Mayor Weinsoff, who expressed concern that drainage would be an issue, Ms. Neal stated that the Town Engineer ensured that projects would not cause or increase drainage problems, and that he would be reviewing the building plans.

Town Attorney Karpiak noted that the Resolution before the Council had not included the findings for the variance and suggested that the Council delay voting on the Resolution.

Mayor Weinsoff opened the public hearing.

Ted Pugh, applicant, expressed his concern that they would not be able to begin the project in good time.

Mayor Weinsoff closed the public hearing.

M/S, Bragman/Tremaine, Motion to consider a resolution for adoption at the next meeting with the required findings for approval.

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

Introduction and first reading of Ordinance No. 742, An Ordinance of the Town Council of the Town of Fairfax amending the 50% remodel definition of the Town Code as recommended by the Planning Commission to be based on square footage and not building valuation. CEQA exempt, § Public Resources Code 21080(b)(1) – Planning (To be continued to March 4, 2009)

Town Attorney Karpiak stated that this item should be postponed.

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

M/S, Bragman/Tremaine, Motion to continue Ordinance No. 742, an Ordinance of the Town Council of the Town of Fairfax amending the 50% remodel definition of the Town Code to the next meeting.

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

Update on General Plan and continued discussion of Site Specific Plan process and possible application to Fairfax sites (oral) – Planning

Interim Planning Director Kennings provided an update on the General Plan, and stated that all elements should be completed by May or June when the General Plan would be brought before the Council for adoption

Interim Planning Director Kennings suggested that three sites existed that should be considered for site specific plans, including the Marin Town and Country Club and the Fair/Anselm property.

Interim Planning Director Kennings suggested that he be directed by the Council to investigate the cost of an environmental impact report for a site specific plan and possible sources of funding. He led a discussion on the requirements for a Site Specific Plan, the scope of such a project and the zoning issues involved.

Interim Planning Director Kennings proposed that discussions should take place among design members of the community to form a conceptual plan, followed by a series of workshops before consideration was given to appointing a consultant. There was a consensus of the Council to first explore funding options as suggested by Director Kennings.

Approval of the Conceptual Plan for the Redesign of the Bolinas Road Sidewalk from Broadway to Elsie – Public Works

Public Works Director Wilkie presented the staff report. She discussed the plans for the sidewalk and noted that the addition of trees would make the area more aesthetically pleasing. Public Works Director Wilkie noted that two parking spaces would be removed but that additional space would be provided for bicycle racks; that the Design Review Board would study the plans further; and that the Council Members were being asked for their approval of the conceptual plan.

In response to Councilmember Brandborg, Public Works Director Wilkie confirmed that the Traffic Safety Committee had approved the plans and Police Chief Hughes stated that the plans posed no problems for the Police Department.

Councilmember Brandborg expressed concern that parking, which was already in short supply, would be further reduced.

Mayor Weinsoff stated that the improvements and beautification of Bolinas would outweigh the loss of two parking spaces.

In response to Councilmember Brandborg's concern about the number of utility plates on the Bolinas Road sidewalk, Public Works Director Wilkie stated that the work would involve the road surface and that underground utilities should not be affected.

Councilmember Bragman stated that the plans were well thought out and he agreed with Mayor Weinsoff that the benefit of the improvements would override the loss of two parking spaces.

Public Works Director Wilkie stated that the Design Review Board would discuss the design elements of the project, which included the species of trees to be planted.

Mayor Weinsoff opened the discussion to the public.

Morgan Hall, resident, project architect and President of the Chamber of Commerce, stated that Bolinas Road had been neglected, that the sidewalk was in a state of disrepair and that business turnover was high. He further stated that the addition of trees would soften the landscape and provide shade and beauty, while "bulb-outs" would provide space for benches and bicycle racks for people to enjoy. He stated that he supported a new crosswalk at Mono in the middle of the block too.

Deborah London, owner of Fairfax Coffee Roastery, stated that she supported the project and that the sidewalk outside her shop was in need of being widened, which she requested the Town to consider.

Ingrid Weiss, Chamber Director, stated that the road was an eyesore that was in need of beautification. She expressed support for the project.

M/S, Tremaine/ Bragman, Motion to accept the Conceptual Plan for the redesign of the Bolinas Road Sidewalk from Broadway to Elsie and to direct staff to take into consideration testimony that was heard by residents before the plans were finalized.

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

Mayor Weinsoff adjourned the meeting for a break from 9:00 to 9:10 p.m.

Discussion and Consideration of Agreement with Marin/Sonoma Mosquito and Vector Control District to Limit Spraying in the Town of Fairfax, Bragman

Councilmember Bragman presented the report. He provided background information on the outbreak of West Nile Virus some years ago and reported that the District had not acknowledged that its actions were controlled by the Town's Ordinances.

Councilmember Bragman stated that Council Members were requested to determine if there was interest in entering into an agreement with the District that would have control over neighborhood notification of spraying, etc.

Councilmember Tremaine stated that he was in favor of an agreement, which he believed should be drawn up by the Town's representative to the District and by Councilmember Bragman and presented to the Vector Control District.

Mayor Weinsoff opened the discussion to the public.

Mark Bell, Dominga, stated that responsibility for spraying should be controlled by the Town and its ordinances. He did not believe there would be reason to spray the town.

In response, Councilmember Bragman stated that the agreement would incorporate the use of biological sprays rather than pesticides.

Mark Squire, Frustruck Ave., stated that the Town must do all that it could to protect itself from pesticide sprays.

M/S, Tremaine/Weinsoff, Motion to proceed on the consideration of an agreement with Marin/Sonoma Mosquito and Vector Control District to limit spraying in the Town of Fairfax.

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

Adoption of Resolution No. 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 - Public Works (continued from January 14)

Town Attorney Karpiak presented the report. He stated that he had determined that the law would not allow the Town to prevent utility facilities from being located in public spaces. He further

stated that he had revised the guidelines with in response to the Council recommendations.

Councilmember Bragman stated that, if the Town could not discourage placement of utility facilities, that perhaps a rule could be enforced whereby the utility company would have to notify the Town and its residents when a facility would be installed. He noted that the Applicant would have the right to appeal but not the nearby residents. Councilmember Bragman stated that the Council should be notified of the placement of a utility box, and Councilmember Tremaine agreed.

Town Attorney Karpiak stated that notification to the Town Council could be required, but that he would be concerned that State Law would be violated if the Town upheld a resident's appeal.

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

M/S, Tremaine/Brandborg, Motion to continue the Adoption of Resolution No. 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; that Town Attorney Karpiak would investigate whether a resident would be permitted to appeal a permit issued to a utilities company and would continue negotiations.

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

Adoption of Resolution No. 09-17, A Resolution of the Town Council of the Town of Fairfax authorizing a change order for the Pastori Storm Drain project – Public Works

Public Works Director Wilkie presented the staff report, and she noted that the contractor had been impacted by unknown utilities beneath the street, which had caused a delay while the utilities scheduled their crews. Public Works Director Wilkie reported that the crews had completed their work and that she hoped that the contractor would finish the project shortly.

In response to Councilmember Brandborg, Public Works Director Wilkie stated that the additional financing would come from Measure K funding and that engineering costs had been saved. Public Works Director Wilkie further stated that she would recommend that more money be spent on preliminary exploration of plans to determine if problems existed below the road for future projects.

Town Manager Rock stated that Fairfax needed a higher contingency fund for projects, which would be a Town Council policy decision.

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

M/S, Tremaine/Bragman, Motion to adopt Resolution No. 09-17, a Resolution of the Town Council of the Town of Fairfax to authorize a change order for the of the Pastori Storm Drain project.

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

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

Town Manager Rock presented the staff report. He stated that a letter had been received by the owner's attorney proposing that if the property had not been sold by July, that the owners would request a demolition permit from the town.

Town Manager Rock noted that the Council could move forward with abatement proceedings.

Councilmember Tremaine stated that it could be more difficult for the owners to sell the property if abatement proceedings were pending.

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

There was a consensus of the Council that no action would be sought before July.

Second Reading and Adoption 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 report. He stated that Council Members could adopt the ordinance.

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

M/S, Brandborg/Tremaine, Motion to waive reading 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: Brandborg, Weinssoff, Bragman, “Tremaine
NOES: None
ABSENT: Maggiore

M/S, Brandborg/Tremaine, Motion to adopt 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: Brandborg, Weinssoff, Bragman, “Tremaine
NOES: None
ABSENT: Maggiore

Second Reading and Adoption 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

Town Clerk Anderson presented the staff report and explained the process to change the contract. She noted that the change was a result of the Town Council’s efforts to reduce future pension costs.

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

M/S, Brandborg/Tremaine, Motion to waive further 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.

AYES: Brandborg, Weinssoff, Bragman, “Tremaine
NOES: None

ABSENT: Maggiore

M/S, Brandborg/Tremaine, Motion to Adopt 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.

AYES: Brandborg, Weinsoff, Bragman, "Tremaine

NOES: None

ABSENT: Maggiore

Report and request for direction regarding neighborhood electric vehicle program – Town Manager

Town Manager Rock presented the staff report. Town Manager Rock noted that the speed limit requirements were met by the town on any licensed vehicles and that additional legislation would not be necessary. He explained that he sought direction from the Council to promote electric vehicle programs to residents. He noted that a driver would need to hold a valid license and that a horn and seat belt would be required on the vehicles.

Town Manager Rock and Councilmember Brandborg discussed signage, which Town Manger Rock confirmed would not be necessary by law.

In response to Councilmember Brandborg, Town Manager Rock stated that he would research the possibility of attracting a dealership for electric vehicles to Fairfax.

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

General consensus was reached that the project should move forward.

Discussion of Fairfax Unemployment Rate, Tremaine

Councilmember Tremaine presented the report and suggested ways in which unemployed residents could be employed by the Town, such as being hired for the removal of brush before the fire season.

Councilmembers Brandborg and Bragman supported such an initiative, but Public Works Director Wilkie stated that the public bidding process would not afford Fairfax the ability to control who was hired for jobs.

Mayor Weinsoff suggested that Community Action Marin and other service agencies could be referenced on the Town's Website to help those seeking assistance.

Discussion and Consideration of the Town of Fairfax Sponsoring a Spring Brush Clearing Brigade, Bragman

Councilmember Bragman presented the report and noted that the Fairfax Volunteer Board was enthusiastic about forming a brush-clearing brigade. He stated that a truck and a chipper would be needed, and that discussion would be necessary on whether the Town should provide a crew or would assist with funding.

In response to Councilmember Tremaine, Councilmember Bragman reported that Marin Sanitary had offered a collection bin.

Public Works Director Wilkie stated that staff could be provided on overtime or shift change to assist with the project, and Town Manager Rock suggested that grant money might be available.

Fire Chief Meagor discussed chipper days, and he stated that the Fire Department could be of assistance to the town. He stated that the Fire Department had funds and would be able to provide labor. He noted that chippers were usually rented with professionals to operate them.

REPORTS FROM TOWN OFFICIALS

Town Manager Rock stated that he had received a report that Fairfax, along with other Marin towns, had been awarded an "F" on tobacco policies. He noted that the smoking ordinance had not been updated recently.

Councilmember Tremaine stated that opponents of tobacco would wish smoking to be entirely restricted.

Mayor Weinsoff stated that there were other, more relevant issues that should take priority. Councilmember Bragman noted that the Town's updated ordinance was not very old, and that parks were not excluded for smokers.

It was generally agreed by Council Members that no further action would be needed.

COUNCIL REPORTS AND COMMENTS

No reports were given nor comments made.

On motion duly made and carried, the meeting was adjourned at 10:15 p.m. in honor of May Lou Conroy.