Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, December 1, 2010

The regular meeting was preceded by a special meeting closed session regarding: Conference with Legal Counsel re Pending Litigation, Marin Superior Court No. CV 086177, Town of Fairfax v. John and Marlia Berg; re Initiation of Litigation (one case); Anticipated Litigation (one case); and Labor Negotiations with the Police Officers Association.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:
Larry Bragman
Pam Hartwell-Herrero
John Reed
Lew Tremaine
David Weinsoff

STAFF MEMBERS PRESENT:
Michael Rock, Town Manager
Jim Moore, Planning Director
Jim Karpiak, Town Attorney
Laurie Ireland-Ashley, Finance Director
Roger Meagor, Ross Valley Fire Chief
Mark Lockaby, Building Official
Judy Anderson, Town Clerk

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

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the agenda and the affidavit of posting with the change in order of the item regarding the General Plan to move it forward on the agenda to be heard as the first public hearing item.

AYES: All

Announcement of Closed Session Action

Mayor Tremaine announced that the Council had conferred with legal counsel regarding pending litigation, Fairfax v. Berg; re Initiation of Litigation (one case); re Anticipated Litigation (one case); and Labor Negotiations with the Police Officers Association (POA) and that no action had been taken, but that the Memorandum of Understanding with the POA would be acted upon as part of the regular agenda.

Announcements

Mayor Tremaine made the announcements as printed on the agenda.

Councilmember Hartwell-Herrero reported on opportunities to volunteer to work with the homeless and stated that she had volunteered at the Lutheran Church to help feed the homeless with her daughter. She also announced the "Open Mic" night scheduled for the Teen Center on Friday, December 3rd.

Open Time

AGENDA ITEM # 5

Valeri Hood, Dominga Ave., thanked the Town Council and especially Vice Mayor Bragman for the stand taken against the Smart Meters and for insisting on another meeting with PG&E.

Alexander Binik, stated that he had watched the Council for the last year and they had been exemplary. He recited an additional pledge written by Gary Snyder that he suggested the Council take that began, "I pledge allegiance to the turtles on Myrtle Beach..."

Sierra Salin offered to serve as the new mayor.

Councilmember Weinsoff noted the untimely demise of Barbara McCune and asked that the Town Council adjourn in her honor at the January 12th meeting.

Reorganization of Town Council; Election of Mayor and Vice Mayor

M/S, Reed/Hartwell-Herrero, Motion to nominate Vice Mayor Bragman to serve as Mayor.

AYES: All

Mayor Bragman assumed the chair.

M/S, Reed/Tremaine, Motion to nominate Councilmember Hartwell-Herrero to serve as Vice Mayor.

Discussion:

Councilmember Weinsoff referred to a resolution he had previously brought forward that wasn't adopted that was intended to formalize the selection of the Mayor as the person who garnered the most votes in the last election. He noted that Councilmember Hartwell-Herrero was that person and that he looked forward to voting for her as Vice Mayor.

AYES: All

Presentation to outgoing Mayor Tremaine

Mayor Bragman presented outgoing Mayor Tremaine with a plaque acknowledging his service as Mayor and commended him for his progressive leadership during his term.

Acknowledgment and presentation to Chipper Day Volunteers, Volunteer Board

Holly Bragman, Volunteer Board Chair, presented an overview of the chipper project which started with a chipper day organized by the volunteers in the Scenic neighborhood. She acknowledged Yvonne Roberts for securing the grant; Maria Baird for her work coordinating the project for eight months; the neighborhood coordinators; and the over 400 residents who participated in the project.

Mayor Bragman presented certificates to the individual volunteers including Denise Ferry, Helen Fauss, Anya Schandler and Trevor Hughes.

Anya Schandler suggested to citizens that they pull out baby scotch broom as they walked around Town and that the Council dispense with the statement about decorum and behavior made at the outset of every meeting since it was no longer necessary.

Council Reports and Comments

Councilmember Weinsoff reported on his attendance at the monthly Marin County Council of Mayors and Council Members (MCCMC) dinner; at a JPA Oversight Committee meeting; at a MCCMC Legislative Committee meeting; and at a new MCCMC committee formed to address the pension and medical costs for the cities of Marin.

Vice Mayor Hartwell-Herrero reported on her attendance at the MCCMC dinner where the SMART train topic was discussed; announced that the Parks and Recreation Commission had approved the homeless creative writing project; reported on the visit from a Cittaslow member from Korea; that she had hosted a number of teen nights and that more chaperones were needed; and reported on the SPAWN/Sustainable Fairfax/Town Hall collaborate rain garden project.

Councilmember Reed reported on his attendance at the MCCMC dinner; on attendance with Councilmember Tremaine as part of the Super Committee at a retreat to conclude the amazing document that was the draft General Plan; on conversations held with Circle Bank about opening a branch in Fairfax; and on meetings with Town staff and County officials to secure funding for bicycle improvements.

Councilmember Tremaine reported on his attendance at the Super Committee retreat where the draft General Plan was reviewed and fine tuned noting that it was one of the best collaborations he had ever been a part of. He also reported on his attendance at the Ross Valley Fire Board and on his attendance at the Marin Energy Authority Board meeting.

Mayor Bragman reported on his attendance at the Ross Valley Paramedic Authority meeting and on his attendance at the Marin Telecommunications Authority where a switch to a State franchise rather than the one with Comcast was discussed.

Town Manager Report:

Town Manager Rock announced that the Good Earth owners had signed a lease agreement to move to the long vacant Albertsons building at Fair-Anselm Center and that half of their existing space of 8,000 square feet would be used for school meal preparation and that the other half would be leased.

Set date for a Special Town Council Meeting: Fiscal Sustainability Workshop on January 19 or February 16, 2011

There was a consensus of the Council to conduct the Fiscal Sustainability Workshop on February 16, 2011.

Mayor Bragman suggested that an evaluation of the management staff be included in the Closed Session meeting already scheduled for December 15th.

Consent Calendar

Approval of Town Council minutes of October 6 and November 3, 2010 – *Town Clerk*

Approval of Financial Reports through October, 2010 - *Finance*

Report on the status of the presence of perclorethylene (PCE) at the Fair Anselm retail center – *Town Manager*

Change of appointment to the Affordable Housing Committee from an Alternate to a Regular member – *Town Clerk*

Adoption of a Resolution of the Town Council of the Town of Fairfax approving the negotiated Memorandum of Understanding with the Fairfax Police Officers Association for the period of July 1, 2010 through June 30, 2011 - *Town Manager*

Adoption of a Resolution of the Town Council of the Town of Fairfax in Appreciation of the contributions of Ingrid Weiss to the Town as the Executive Director of the Chamber of Commerce – *Town Clerk*

M/S, Tremaine/Hartwell-Herrero, Motion to approve the Consent Calendar as presented.

AYES: All

Adoption of a Resolution of the Town Council of the Town of Fairfax accepting the Final Draft of the 2010 General Plan and directing staff to commence the environmental review process – *Planning*

Planning Director Moore presented the staff report. He stated that he anticipated that the California Environmental Quality Act (CEQA) review would take approximately one year and then amendments to the zoning ordinance would begin. He acknowledged all the people who had participated in the long arduous process and presented a special certificate to Larry Kennings for his work as the consultant on the project for the previous twelve years. He also thanked Town Attorney Karpiak for his help with the document.

Town Manager Rock thanked Planning Director Moore for his efforts to complete the important and difficult task of drafting a General Plan.

Councilmember Reed noted that the Community Center was referred to as the Youth Center in the document and that other minor edits needed to be made. He also stated that a committee should be formed to implement the General Plan.

Mayor Bragman requested that the formation of such a committee be placed on the January Council agenda for consideration.

Bruce Ackerman, General Plan Advisory Committee (GPAC) memberstated that he didn't own a car until he was 30 and that he found it difficult to drive until he learned to look further down the road. He used this analogy for the General Plan where it was easier to reach consensus when looking in the distance. He stated that it had been a good and joyful process and would help everyone keep in mind where we were going.

Pam Meigs, Planning Commissioner, stated that she had worked on the GPAC for about ten years; that she was one of the cats that had to be herded; and that she was happy to have had the experience. She thanked Larry Kennings for mentoring her through the process and making her realize the big picture.

Brannon Ketcham, Planning Commissioner, thanked all the Planning Commissioners who had attended an extra meeting every month about the General Plan for the last four years. He also reported that he was impressed to be able to download such a large document from the Town Web site.

Ted Pugh, future Fairfax resident, stated that the GPAC had been a wonderful experience even though he had not been an official member and that once the EIR was done and adopted, it should be a living document.

Councilmember Weinsoff thanked Elizabeth Patterson, former Planning Director, for her early

work and Jack Judkins who also worked on the General Plan in the early stages as a Planning Commissioner.

Councilmember Tremaine read into the record from his Mayor's message on the opening pages of the draft General Plan, "My heartfelt thanks go out to the dozens of Fairfaxians who have worked on this General plan as members of the GPAC, planning commissioners, council members, volunteers, and staff and over the last 12 years. Thanks also to the hundreds of residents whose valuable input guided the creation of this home-grown document. The community's priorities and dreams for a sustainable future are contained within its pages. The completion of this document is a landmark moment for Fairfax."

M/S, Reed/Weinsoff, Motion to adopt a Resolution of the Town Council of the Town of Fairfax accepting the Final Draft of the 2010 General Plan and directing staff to commence the environmental review process.

AYES: All

Mayor Bragman adjourned the meeting for a break 9:05 to 9:20 p.m.

Introduction and First Reading of Ordinance No. 756 adopting 2011 Building Codes – *Building*

Adoption of Urgency Ordinance No. 756-U adopting 2011 Building Codes – *Building*

Building Official Lockaby presented the staff report. He reviewed the changes including the requirement for Class A roofs; barriers and safety features required for swimming pools; disallowing septic systems unless there were extenuating circumstances; and sprinklers in all new homes. He led a Council discussion about the proposed Ordinances.

Mayor Bragman suggested that the ordinances refer to the Fire Code regarding sprinklers instead of deleting the exceptions to the requirements. Councilmember Tremaine proposed an amendment to the code to reference the Fire Code as suggested.

Mayor Bragman opened the public hearing.

Mark Bell, Dominga Avenue, stated that he had been extorted for about $10,000 for pipes and about $700 for a fire hydrant when he remodeled his home and asked if there were any remedies for extortion of homeowners? He stated that he had no problem working with codes, but that he objected to putting a new water main in the street and paying for a fire hydrant.

Mayor Bragman closed the public hearing.

M/S, Tremaine/Weinsoff, Motion to amend both ordinances with language added to read "the fire sprinkler systems shall be as provided in the Fairfax Fire Code" in Section 15.04.015, entitled "Automatic Fire Sprinkler Systems," and to waive further reading of Ordinance No. 756 an Ordinance of the Town of Fairfax deleting in its entirety the current Chapter 15.04 of the Town Code and adopting a New chapter 15.04 in its place.

AYES: All

M/S, Tremaine/Hartwell-Herrero, Motion to introduce Ordinance No. 756 (as amended), an Ordinance of the Town of Fairfax deleting in its entirety the current Chapter 15.04 of the Town Code and adopting a New chapter 15.04 in its place with a second public hearing, second reading and adoption of the ordinance to be held at the January 12, 2011 Town Council meeting.

AYES: All

M/S, Tremaine/Hartwell-Herrero, Motion to adopt Ordinance No. 756-U an Urgency Ordinance of the Town of Fairfax with language added to read "the fire sprinkler systems shall be as provided in the Fairfax Fire Code" in Section 15.04.015, entitled "Automatic Fire Sprinkler Systems," deleting in its entirety the current Chapter 15.04 of the Town Code and adopting a New chapter 15.04 in its place to take effect on January 1, 2011.

AYES: All

Introduction and First Reading of Ordinance No. 757 adopting 2011 Fire Codes – *Fire Chief*

Adoption of Urgency Ordinance No. 757-U adopting 2011 Fire Codes – *Fire Chief*

Ross Valley Fire Chief Meagor presented the staff report.

Chief Meagor led a discussion including the differences between the proposed ordinance for Fairfax and the one adopted for San Anselmo; when sprinklers should be required; what constituted a "substantial" remodel; whether or not sprinkler requirements should be waived for second units; the Chief's opinion that all 50% remodels, second units and new homes should have sprinklers as a life safety requirement; what criteria was reasonable for use to determine whether sprinklers should be required; and the waiver of the sprinkler requirement for second units. It was also discussed whether or not the Wildfire Interface Mapping could be used to determine the areas subject to the sprinkler requirement for second units.

Mayor Bragman opened the public hearing.

Shelley Hamilton, Canyon Road, ascertained from Chief Meagor that the Fire Code didn't address public infrastructure because it wasn't about who paid for it, it was about public safety. She also pointed out that there was an issue of defining a 50% remodel differently than the use of the Fire Code's "substantial remodel" criteria.

Building official Lockaby stated that the criteria for the determination of a 50% remodel was in the planning code, not the building code.

Mark Bell, Dominga Avenue, stated that Ross Valley Fire agreed that they had been overcharged for the required fire hydrant during their remodel and provided them with a refund.

Morgan Hall, Bolinas Road, stated that, as a residential architect, he had more dealings with the Fire Department recently and thought they had become more of a regulatory agency; that they needed to be a bit more reasonable with the application of their codes; that a strict application would mean clear cutting the whole area; and he urged the Fire Service to be reasonable.

Mayor Bragman closed the public hearing.

After a discussion by the Town Council, Town Attorney Karpiak and Fire Chief Meagor left the meeting to collaborate on the proper wording to include in the ordinances to reflect the changes suggested by the Council.

The item was continued to later in the meeting to allow for staff edits to the proposed ordinances.

When the discussion of the matter resumed, Town Attorney Karpiak recited the agreed upon

edits and presented them to the Town Council. The Council discussed the issues raised.

Councilmember Tremaine stated that the Council needed to weigh the Fire Chief's expertise and opinions about fire safety with the Council's other goals, like creating more second units.

Councilmember Weinsoff stated that, when it came to matters of public safety, it was a priority for him.

Mayor Bragman stated that he would like to discuss the exemption of cleaning establishments from the sprinkler requirements at a future meeting.

There was a consensus of the Council to continue the item to the meeting scheduled for December 15th to allow staff more time to refine the language changes to the ordinance and to determine the areas to be included for the exemption of the sprinkler requirement for second units.

Planning Director Moore volunteered to draft language to be presented with a map for reference at the December 15th meeting.

Approval of Response to the Grand Jury report entitled, "School Resource Officers: A Proactive Approach to School Safety" - *Police*

Town Manager Rock presented the staff report.

Mayor Bragman opened the discussion to the public.

Mark Bell, Dominga Ave., related the experience at Drake High School when the principal tried to have an officer on campus and how most parents opposed the idea; that Drake High School was not in East L.A.; and that he was absolutely opposed to having cops in school.

M/S, Tremaine/Hartwell-Herrero, Motion to approve the Response to the Grand Jury report entitled "School Resource Officers: A Proactive Approach to School Safety"

AYES: Hartwell-Herrero, Tremaine, Reed, Weinsoff
NOES: Bragman

Discussion of a Fairfax Local Currency Project – Fairbuck – *Hartwell-Herrero and Reed*

Councilmember Hartwell-Herrero introduced the topic and suggested that the Council have a formal presentation on the project at the January meeting and a resolution for consideration to amend the budget to allow for it.

Councilmember Reed stated that it was a good idea; that it was modeled on West Marin's program, that they were still exploring what it would look like, and that it was a move in the right direction.

Councilmember Hartwell-Herrero stated that it would benefit the Chamber, the Town and Sustainable Fairfax.

There was a consensus of the Council to place the item on the January agenda.

Report on Youth Commission Teen Center – *Hartwell-Herrero*

Councilmember Hartwell-Herrero reported on the Teen Center, the improvements that had been made, and the success of the Friday teen nights. She thanked some of the people who had helped with the Teen Nights and stated that more chaperones were needed.

Discussion/Consideration of Council Committee Assignments – *Town Clerk*

There was a consensus of the Council to continue this item to the regular meeting on January 12th.

The meeting was adjourned at 11:05 p.m. to December 15th.

Respectfully submitted,

Judy Anderson, Town Clerk