

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, August 20, 2008

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Susan Brandborg (7:40 p.m.)  
Mary Ann Maggiore  
Lew Tremaine  
David Weinsoff

**COUNCILMEMBER ABSENT:** Larry Bragman

**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  
Mark Lockaby, Building Official  
Laurie Ireland Ashley, Interim Finance Director  
Ernie Jung, Senior Accountant  
Roger Meagor, Ross Valley Fire Chief  
Judy Anderson, Town Clerk

Mayor Maggiore called the meeting to order at 7:35 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Tremaine/Brandborg, Motion to approve the agenda and the affidavit of posting.

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

Announcement of Closed Session Action

Mayor Maggiore announced that information had been received and direction given to staff.

Announcements

Mayor Maggiore made the announcements as listed on the agenda and introduced Ernie Jung, newly hired as the Senior Accountant for the Town of Fairfax.

Open Time For Public Expression

Vice Mayor Weinsoff thanked Supervisor Hal Brown for his contribution to the production of the Firestorm DVD's and thanked the citizen who paid for the letter to accompany the DVD's when they were distributed to the residents. He stated that he hoped to get the DVD's delivered to all Fairfax residents as soon as possible with the help of volunteers.

Pam Hartwell Herrero, Executive Director of Sustainable Fairfax, reported that more than 250 people had shown up for a discussion about water use the previous week and that they were working on a rain garden pilot program and looking for assistance from Hal Brown and David Weinsoff among others.

Vice Mayor Weinsoff stated that he was looking to Sustainable Fairfax and others to find funding for some programs that the Town could not afford and offered to help Sustainable Fairfax find funding.

Consent Calendar

**Acceptance of Financial Report for June, 2008**

**Approval of Town Council minutes of May 7 and 21, 2008**

**Adoption of Resolution No. 2571, a Resolution of the Town Council of the Town of Fairfax Authorizing the Filing of an Application for FEMA Hazard Mitigation Grant Program (HMGP) Funding for the Pavilion's Seismic Retrofit and Committing the Necessary Non-Federal Match for the Project and Stating the Assurance that the Town of Fairfax Will Complete the Project**

In response to a question from Councilmember Brandborg, Public Works Director Wilkie stated that the Pavilion Restoration Committee had approved the use of the funds collected for the Pavilion for the purpose stated in the resolution.

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

AYES: Brandborg, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: Bragman

Approval of change order for the Center Blvd. Rehabilitation Project in the amount of \$410,274

Public Works Director Wilkie presented the staff report.

Councilmember Brandborg ascertained from Public Works Director Wilkie that the height of the light poles, the bulb-outs, the planting right next to the drainage, and the trees planted under the existing trees were all items included in the change order.

Public Works Director Wilkie responded to Councilmember Brandborg's inquiry about funding for the project changes by stating that the money would be taken from Measure "A" funds, gas tax, the Dry Period Fund and Measure "F" funds.

Vice Mayor Weinsoff stated that almost the entire Measure F funding for the year had to be spent to correct errors made; that it was incomprehensible to him that this could happen; that the need to spend an extra \$410,000 was not fiscally responsible; that he was angry about the situation; that he realized that the problems pre-dated the tenure of current staff; and that it would have been different if the total cost had been presented to the Council at the outset instead of afterwards to correct mistakes made.

The Council discussed the project design, the curb cut error made and who or what was to blame for the problems.

Town Manager Rock explained that the extent of the work needed to be done on the roadway was not known until the road was opened up and couldn't have been predicted; that the reason that the Council was getting the cost information after the fact was that the contractor had plugged different parts of the roadway with different amounts of asphalt; that he had approved the initial engineering; that he had used the savings from the vacant Public Works Director to pay for CSW as the inspector for the project; that CSW was paid for the redesign; that the construction costs to make it right should be with the Town or with Ghilotti Brothers; and that some of the responsibility should be on CSW, and that he was still negotiating with them on the matter.

Mayor Maggiore opened the discussion to the public.

Michael Mackintosh, owner, 60 Pastori, stated that the bid for the roadway did not include the unforeseen conditions under the pavement that were not revealed until the pavement was opened up and that the Town didn't know how much asphalt and paving would be necessary so the cost wasn't included in the original bid. He asked if the Town would be presenting a change order for the Pastori pipe project too and described some of the problems encountered on that project.

Rose Taber, Hillside Ave., Wanted to know who signed off on the Center Blvd. project; stated that the Council approved big raises to keep staff and that the Town still experienced big staffing changes; that the mistakes were being blamed on changes in staff; and stated that she didn't like it that Measure F funds were being used to make up for the shortfall.

Mallory Geithem, Willow Ave., stated that parking spaces had been taken away on Center Blvd; that she objected to the loss of parking and the removal of the right turn lane that made traffic back up at commute times; and that she didn't mind bike lanes but that parking spaces were needed too.

Town Manager Rock stated that Measure F was part of the funding package for the Center Blvd. Project at the outset, but that the extra cost should go to the oversight committee for approval.

M/S, Brandborg/Tremaine, Motion to approve of change order for the Center Blvd. Rehabilitation Project in the amount of \$410,274.

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

Second Reading and Adoption of Ordinance No. 736, An Ordinance of the Town Council of the Town of Fairfax Approving the Marin Clean Energy Authority Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program

Town Attorney Karpiak presented the staff report.

Councilmember Brandborg asked for reassurance that we would still have an opportunity to opt out of the JPA.

Councilmember Tremaine stated that it was a “no brainer,” that the current public utility was not on the fast track that they advertised to bring the consumers cleaner energy; that this was the right way to go; and that he hoped the rest of the county would follow.

Mayor Maggiore opened the discussion to the public:

Barbara George, resident of Fairfax, stated that she was excited to have Fairfax be the first city to pass the ordinance; that the Board of Supervisors had voted unanimously to send a letter to all the cities to ask that they adopt the same ordinance; that she was looking forward to seeing clean energy happen; that Fairfax was a beacon for the whole country; and that going to the use of 50% clean energy in ten years would be ahead of anybody else in the world.

Rose Taber, Hillside Avenue, asked if there were any downsides to the plan that had been discussed; stated that she wanted to be sure that all aspects of the proposal had been explored; and that, in our hurry to be first, that the plan was carefully considered.

Mayor Maggiore responded that the County had assigned a Commission to explore the issue; that the Commission had examined all the aspects of the plan along with mayors and managers; and that it was definitely worth doing.

Pamela Hartwell Herrero, Executive Director of Sustainable Fairfax, stated that her organization had been working in other communities to get them to move it forward in their towns.

M/S, Tremaine/Weinsoff, Motion to waive further reading and to read the title only of Ordinance No. 736, An Ordinance of the Town Council of the Town of Fairfax Approving the Marin Clean Energy Authority Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program.

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

M/S, Tremaine/Weinsoff, Motion to adopt Ordinance No. 736, An Ordinance of the Town Council of the Town of Fairfax Approving the Marin Clean Energy Authority Joint Powers Agreement and Authorizing the Implementation of a Community Choice Aggregation Program.

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

Mayor Maggiore presented floral bouquets to Pamela George and Pamela Hartwell Herrero for their work on the issue and expressed regret that Rebekkah Collins wasn't present but thanked her in absentia.

Presentation, discussion and consideration of the Proposed Town Budget for Fiscal Year 2008-2009

Town Manager Rock present the staff report. He recommended adding a Management Analyst position for two years to help complete the paperwork on the five outstanding FEMA projects, to assist Finance, and to do grant writing. He stated that the financial condition of the Town needed to be evaluated regarding Measure F in the coming year; that the Town Treasurer had been given defined duties and a salary to help with Finance; that he recommended hiring a Deputy Town Manager; that \$5,000/year had been added to the budget for a student intern to work on sustainability goals and on energy saving projects as outlined in the Town's Economic Plan.

Town Manager Rock outlined the revenue and expenditure totals. He presented an overview of the budget and reported that cost saving measures had been taken; that the dry period fund was large enough not to have to borrow money nor to use General Fund money during low cash flow periods; that PERS retirement costs had remained the same as the previous year, except for Ross Valley Fire which had increased 10%; that 84% of the General Fund expenses were personnel costs; that staff was exploring alternative health care plans as well as a two-tiered retirement plan to save money; that \$135,000 was the prior year's cost of claims and that staff would be reviewing all of the safety programs and conducting an ergonomic review to get the lowest possible rates from Bay Cities; that outsourcing business licenses was being considered; that a master fee study was being conducted to help find more revenue; that sales tax revenue could be increased through the sale of the Marin Town and Country Club and Fair-Anselmo Shopping Center; that the Town's sales tax revenue was relatively stable; that the Town had some fixed costs and mandated programs like animal control and storm drains and that only 2% of the budget was really discretionary for the Council; that Fairfax still had the lowest number of town employees per resident in the County and had saved money by not borrowing during the dry period and had saved money on Workers Compensation and claims the previous year.

Town Manager Rock led a discussion regarding the possible addition of an Assistant Town Manager position. There was a consensus of the Council not to add the position as requested.

Town Manager Rock clarified that 75% of the Management Analyst position would be assigned to the Finance Department, 25% to FEMA projects and grant applications.

Mayor Maggiore adjourned the meeting for a break from 8:50 p.m. to 9:05 p.m.

Town Clerk Anderson presented her budget including the addition of a one-time expense for the use of a consultant to provide the Town with records management assistance.

Laurie Ireland Ashley, Interim Finance Director, presented an overview of the functions of the Finance Department. She described the work that had been done to improve fiscal responsibility including an expense analysis, systematizing the links between finance and the Department of Public Works, an evaluation of the system and the development of new procedures for the department to increase efficiency and transparency. She stated that the Management Analyst position had already been successful and would continue with revenue recovery and the pursuit of grants that could potentially fund the position itself.

Town Manager Rock reviewed the Miscellaneous Department and noted that \$40,000 had been saved by eliminating the loan usually necessary to provide funds during the dry period and that \$1400 was allocated for the downtown floodgate grant program.

Planning and Building Services Director Welsh gave a Power Point presentation about the services provided and the accomplishments of her department for the previous year and the goals for the coming year.

Chief of Police Hughes presented an overview of his department and its functions and staffing. He provided statistics for the previous year including that his department had responded to over 6,000 calls for service. He outlined goals for the next year including the increase in staffing levels, increased traffic enforcement and continued preparation for disaster.

Public Works Director Wilkie presented the report about her department's budget. She credited Management Analyst Roberts with reimbursements secured for the Town as well as other measures she had initiated on behalf of the Town to save money. She urged the Council to continue the position which would allow the pursuit of FEMA reimbursements for the remaining projects made possible as part of the 25% of the Analyst's time in Public Works. Ms. Wilkie also outlined goals for the year including the creation of a ten-year maintenance plan for all the facilities in the town; the completion of the traffic calming project in the Deer Park Neighborhood, and the continued pursuit of grant opportunities for projects.

Public Works Director Wilkie presented an overview of the Street Maintenance Division of the department. She noted that there had been numerous breakdowns of the sweeper, that repair services were no longer available in San Rafael, that the sweeper was not in compliance with the air control standards; that it would be very expensive to bring it up to standards; and that using an outside contractor for street sweeping was being considered to save money.

Public Works Director Wilkie presented an overview of the Park Maintenance Division that included the Fairfax Festival setup and takedown; the upkeep of the baseball field, the parks and medians; new sand for the playground and ongoing graffiti removal; fish pond maintenance, etc. She proposed that a reserve fund be added for equipment replacement and outlined goals for the division.

Public Works Director Wilkie reported on the Building Maintenance Division and stated that goals for the year included refurbishing the Ladies Restroom at the Pavilion as well as implementing some upgrades to the Women's Club.

Public Works Director Wilkie reported on the scheduled public works projects and noted that 85% of the Measure K funds would be spent by the end of 2009 and that \$20,000 was included in the budget for the assessment and evaluation of Town-owned trees.

Roger Meagor, Ross Valley Fire Chief, presented an overview of their \$6.1 million budget, a 9.4% increase from the previous year. He stated that the budget included a 30.4% contribution from Fairfax; that the Fire Service was fully staffed for the first time in three years; that a full time inspector had been added; that the PERS rate was up 2%

causing a 10% rise in retirement costs; and that they had the lowest cost per resident for fire protection in the County.

Mayor Maggiore opened the discussion to the public:

Mark Bell, Dominga Ave., asked about the cost of belonging to the Association of Bay Area Governments (ABAG); suggested that the Town should disassociate with ABAG immediately and should be the first in Marin to do so; that the housing allotments required by ABAG were unreasonable; that there wasn't adequate water in the County to support the number of units required by ABAG; and that there was nowhere to build affordable housing units in Fairfax.

Rose Taber, Hillside Ave., asked about the Town's unfunded liability for pensions; whether or not the Council was contemplating another tax measure; and asked if the new backdrop was paid for with Measure "K" funds.

Trudy Totty, Manor Road, stated that the proposed new staff position was the smartest idea she had heard in a long time; that she supported all 3 new positions, especially the management analyst position that would find money for the town; and that even a portion of time spent getting more money would be great.

Councilmember Brandborg stated that she would like the budget to include funding for a defibrillator in Town buildings including the Women's Club and some kind traffic control in the crosswalk at Park and Bolinas Road. She also requested that a list of employees and their salaries be provided for the next budget workshop.

Vice Mayor Weinsoff stated that he was impressed with the quality of the staff serving the Town; that citizens wanted to pay low taxes but expected a high level of service; suggested that landscapers could be persuaded to donate time to the Town to relieve the burden on our one parks worker; that the Town needed to look outside staff to meet some of the extra burdens in the town; and that volunteerism should be encouraged and nurtured.

Councilmember Tremaine praised the staff for the high quality of the reports given; stated that he would like to use the \$160,000 from the refinancing of the Measure K fund to add to the Pavilion Restoration Fund; that using the \$160,000 combined with intensive fund raising and perhaps a grant from the Marin Community Foundation would be enough to get something done to the Pavilion; that money had been sitting in the bank for Pavilion restoration for years; that the original plan for the Pavilion restoration was no longer realistic but that something could and should be done to restore the building; and that the Management Analyst position was critical.

Mayor Maggiore stated that she had informational questions she could take up with staff separately; that she had seen a wealth of good from Measure F; that she was sympathetic to Mr. Bell's comments about ABAG; that the proposed tree inventory was critical; noted that \$42,000 had been saved by not having to take out a loan for the dry period; and that a master fee study was critical.

Vice Mayor Weinsoff asked for a curb cut analysis for the five residences that had been affected by the sidewalk project on Sir Francis Drake.

Town Manager Rock suggested that an estimate be secured and presented to the Council at the next meeting.

M/S, Tremaine/Weinsoff, Motion to adjourn.

AYES: Brandborg, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: Bragman

Respectfully submitted,

Judy Anderson, Town Clerk