

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Collins called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, March 17, 2010, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Collins, Fredericks, Fraser, O'Donnell

ABSENT: COUNCILMEMBERS: Slavitz

PRESENT: EX OFFICIO: Town Manager Curran, Town Attorney Danforth, Director of Administrative Services Bigall, Director of Community Development Anderson, Director of Public Works/Town Engineer Nguyen, Chief of Police Cronin, Town Clerk Crane Iacopi

Prior to the regular meeting, the Council met in closed session, beginning at 6:30 p.m., to discuss the following:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Section 54956.9(a))

Bonander v. Town of Tiburon

Town of Tiburon v. All Persons Interested (Del Mar Valley Undergrounding)

Mostyn v. Town of Tiburon et al.

INTERVIEWS FOR VACANCIES ON BOARDS & COMMISSIONS – (7:20 p.m.)

(Jt. Recreation Committee – One Vacancy)

- Tina Warren, 11 St. Bernard Lane

CLOSED SESSION ANNOUNCEMENT, IF ANY

Mayor Collins said that the Council had met in closed session to discuss the *Del Mar* litigation and that no action was taken. He said that Councilmember Slavitz had joined the meeting telephonically.

ORAL COMMUNICATIONS

There were no communications from the public.

Mayor Collins read a proclamation in honor of Town Clerk Crane Iacopi's 15th anniversary of employment with the Town of Tiburon. He said the item would be brought back for adoption on the next Consent Calendar. Director of Administrative Services Bigall also presented the Town Clerk with a cake in her honor.

PRESENTATION

- Discussion of Sanitary District No. 5 Proposed Rate Increase – (Bob Lynch, General Manager)

General Manager Lynch gave the Council an overview of the proposed rate increases as shown in the attached power point presentation.

Mr. Lynch said that the increases would cover both operating and capital projects. He said that the plant equipment was beginning to age and needed to be replaced. He said that the district had operated on a pay-as-you-go basis and therefore did not have reserves to cover the costs.

The Council had several questions for Mr. Lynch pertaining to the proposed increases. They asked for a rate comparison to other districts in the area; whether consolidation with other districts had been considered; whether the district would consider establishing a sinking fund so that it did not find itself with a similar cash flow problem after the revenues from five-year rate increases ran out; also, whether technology had created opportunities for efficiencies.

Mr. Lynch responded to the Council's questions. He said that Sanitary District No. 5 did not have the highest rates in the County; he said that consolidation had been discussed by the agencies in Southern Marin but that no consensus had been reached among the districts; he commented that that fewer parties might be able to come to an agreement. Mr. Lynch said that that technology had created better and more efficient, newer equipment, however, he said he could not address the financial planning decisions for the Board.

Councilmember Fredericks said that she had attended the meeting concerning consolidation that was held at the Bay Model in Sausalito. She said that some districts did not want to consolidate with other agencies that had not planned for and maintained reserves.

Mr. Lynch said there would be a series of public hearings and that the proposed increases. He noted that the rates shown in his presentation were yet to be considered and voted upon by the Sanitary District No. 5 Board of Directors.

CONSENT CALENDAR

1. **Amendments to Zoning Ordinance** – Adopt Ordinance amending Title IV, Chapter 16 (Tiburon Zoning Ordinance) to incorporate comprehensive reformatting and text amendments (Director of Community Development Anderson)
2. **Wireless Communication Facility at Cove Shopping Center** – Adopt resolution memorializing denial of appeal of Planning Commission conditional approval of a co-located wireless communication facility at 1 Blackfield Drive, with additional conditions regarding signage (Director of Community Development Anderson)

Address: 1 Blackfield Drive, Cove Shopping Center, Blockbuster building
APN: 034-212-18
Applicant: Clearwire LLC
Appellant: Peter Pursley, 2 Carmel Way, San Anselmo, CA 94960

3. **Amendments to Encroachment Ordinance** – a) Adopt ordinance amending Title V, Chapter 19 (Encroachments) to add a provision authorizing encroachment-related policies to be adopted by the Town Council; b) Adopt Policy pertaining to Encroachments (Director of Public Works/Town Engineer Nguyen/Town Attorney Danforth)

MOTION: To adopt Consent Calendar Item Nos. 1 -3, as written.
Moved: O'Donnell, seconded by Fredericks
Vote: AYES: Unanimous
ABSENT: Slavitz

ACTION ITEMS

1. **Appeals Policy and Procedures** – Consider adoption of a resolution revising the Town Council's policy and procedures regarding the processing, scheduling, and reconsideration of appeals (Director of Community Development Anderson/Town Attorney Danforth)

Director Anderson said that there were several proposed revisions to the policy and a consolidation of five documents that were currently in use. He listed the proposed revisions were as follows:

1. Adding a provision that appeals may not be "revised" or "amended" in writing after the appeal period filing date has passed;
2. Adding a 3-minute rebuttal period for the applicant at the end of the public portion of the appeal hearing. (The appellant is already granted a 3 minute rebuttal, if desired, and the addition of an applicant rebuttal period provides a more equal balance to the process.)

3. Providing more detailed instructions for the Town Council when “remanding” an appeal, in order to ensure adequate guidance to the lower body. (In practice, remands are rare and the Town’s practice has been to use them sparingly.)
4. Expanding the discretion of the Town Manager in setting appeal hearing dates, based on a specific range of factors.

Mayor Collins asked if anyone would like to comment on the proposed revisions. There was no public comment.

MOTION: To adopt the resolution revising the appeals policy, as written.
Moved: Fraser, seconded by Fredericks
Vote: AYES: Unanimous
ABSENT: Slavitz

PUBLIC HEARINGS

1. **Amendments to Water Conservation Ordinance** – Second reading and adoption of an ordinance repealing Title IV, Chapter 13E (Water Conservation) of the Tiburon Municipal Code, and adoption of regulations contained in Marin Municipal Water District ordinance (Ordinance No. 414) regarding water-efficient landscapes and water conservation (Director of Community Development Anderson)

Director Anderson gave the report. He said that at the March 3, 2010 meeting, the Town Council requested additional information on two points: 1) whether there was coordination between MMWD and the local fire districts during the preparation of this ordinance; and 2) how long would it take for MMWD to review a typical Tiburon project and provide comments.

Anderson said that staff had contacted the Tiburon Fire Marshal and determined that there was communication between the two agencies during the preparation of the MMWD ordinance. In addition, at page 11 of the MMWD ordinance, the MMWD ordinance states that:

“Fire Safe Landscape Practices. The requirements in this chapter are intended to support, and be in compliance with, all local and State requirements related to Fire Safe Landscaping practices, including, but not limited to, requirements for Wildland Urban Interface zones as specified by local authority.”

Director Anderson said that the Town will forward applicable written policies of the local Fire Districts to MMWD, along with a copy of the Town’s adopted ordinance.

With respect to review time for a typical Tiburon project, Anderson said that MMWD staff indicated that this will vary depending on the current staff work load volume and the relative complexity of a submittal. MMWD indicated a range of one day to three weeks depending on these factors.

Mayor Collins opened the public hearing. There was no public comment.
Mayor Collins closed the public hearing.

MOTION: To read the ordinance by title only.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Unanimous
ABSENT: Slavitz

MOTION: To adopt ordinance, as written.
Moved: Fredericks, seconded by O'Donnell
Vote: AYES: Collins, Fraser, Fredericks, O'Donnell
ABSENT: Slavitz

TOWN COUNCIL REPORTS

None.

TOWN MANAGER'S REPORT

Town Manager Curran passed out an aerial map of a parcel of Town-owned property on Ned's Way that she said was under study by the Jt. Recreation Committee for possible placement of a classroom. She said the Recreation Committee had approached the Town because they had been evicted from school district property due to an increase in student enrollment and needed an alternate location for after school programs. Town Manager Curran said that former Councilmember Berger had expressed an interest in working on the project on behalf of the Committee on a *pro bono* basis.

Town Manager Curran said that discussions would continue on the matter unless she was directed otherwise by the Council. She said that the matter was also on the Town Council retreat agenda scheduled for March 23, 2010.

WEEKLY DIGESTS

- Town Council Weekly Digest – March 5, 2010
- Town Council Weekly Digest – March 12, 2010

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the meeting at 8:20 p.m. in memory of Bobby Ray Hills, Mill Valley Refuse Service employee of 44 years, 28 of which he had worked in the Town of Tiburon.

RICHARD COLLINS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK