TOWN COUNCIL
MINUTES

CALL TO ORDER

Mayor Collins called the regular meeting of the Tiburon Town Council to order at 7:35 p.m. on Wednesday, March 3, 2010, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT:	COUNCILMEMBERS:	Collins, Fredericks, Fraser, O'Donnell, Slavitz
PRESENT:	EX OFFICIO:	Town Manager Curran, Town Attorney Danforth, Director of Administrative Services Bigall, Director of Community Development Anderson, Police Captain Hutton, Town Clerk Crane Iacopi

Prior to the regular meeting, beginning at 6:00 p.m., the Council met in closed session 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.

At 7:10 p.m., the Council adjourned from Closed Session and interviewed the following candidates:

INTERVIEWS FOR VACANCIES ON BOARDS & COMMISSIONS

(Heritage & Arts Commission – One Vacancy)
(Design Review Board– One Vacancy)
(Parks, Open Space & Trails Commission – Two Vacancies)

- Jaleh Etemad, 237 Round Hill Road
- Bob McDermott , 601 Ridge Road

CLOSED SESSION ANNOUNCEMENT, IF ANY

Mayor Collins said that the closed session had been continued until the end of the regular meeting.

ORAL COMMUNICATIONS

Janet Daru said that an application for a well permit at 13 Rosevill Court was on tonight's agenda, however, she stated that she was not here to address the Council on that topic.

Ms. Daru said she lived directly below 13 Roseville Court. She said the amount of earth being added to the property was enormous, and that the amount of grading was "horrendous." She said that over an acre of land was covered in plastic and that it was clearly visible from the intersection of Hilary Drive and Avenida Miraflores.

Ms. Daru said there had only been one public hearing on the activity at 13 Roseville Court, three years ago, and that it was for an application to install a pool cabana. She said that all manner of construction was ongoing and continuous.

Ms. Daru said that she was working with Town staff to see if anything could be done to ameliorate the situation; she said she also wanted the Council to be aware of it and to see if anything could be done about it.

CONSENT CALENDAR

Mayor Collins asked if anyone wanted to take any items off the Consent Calendar. There was no request from the public.

Mayor Collins said he would like to remove Item No. 3 for public hearing; Councilmember O'Donnell asked to remove Item No.6; Councilmember Fredericks asked to remove Item No. 1.

1. **Town Council Minutes** – Adopt minutes of January 20, 2010 regular meeting (Town Clerk Crane Iacopi)

2. **Town Investment Summary** – Accept January 2010 report (Director of Administrative Services Bigall)

3. **Application for Well Permit** – Approve permit for non-potable water well (Associate Planner Tyler)
   Address: 13 Roseville Court
   APN: 039-212-07
   Applicants: Stephen & Katherine Van Dusen

4. **Town Purchase of Below Market Rate Unit** – Approve purchase of two-bedroom unit at

4 Marsh Road and authorize execution of documents by Town Manager (Director of Administrative Services Bigall)

5. **Amendment to Taxi Cab Fee Schedule** – Adopt resolution incorporating amendments adopted by Marin General Services Agency in November 2009 (Town Attorney Danforth)

6. **Purchase of Tax and Revenue Anticipation Note for Investment Purposes** – Recommendation to Purchase 2010 Tax and Revenue Anticipation Note from the Town of Fairfax, California (Director of Administrative Services Bigall)

7. **Martha Property Memorandum of Understanding (MOU)** – Approve amendments to the November 12, 2009 agreement with the Martha Company regarding timing and definition of open space trails (Town Attorney Danforth)

MOTION: To adopt Consent Calendar Item Nos. 2, 4, 5 and 7.
Moved: Slavitz, seconded by Fredericks
Vote: AYES: Unanimous

Discussion items were taken in the following order:

6. **Purchase of Tax and Revenue Anticipation Note for Investment Purposes** – Recommendation to Purchase 2010 Tax and Revenue Anticipation Note from the Town of Fairfax, California (Director of Administrative Services Bigall)

Councilmember O'Donnell said that he was concerned about making the loan as a matter of town policy going forward. He said he understood that the recommendation to purchase the note was the second part of a previous Council approval; however, he said that it sent the "wrong fiduciary signal" and was not a prudent use of public funds. O'Donnell commented that if no bank in the County of Marin was willing to loan the money to Fairfax, why should Tiburon, especially for such a small ($2700) gain. He said the money could be freed up for use on Tiburon projects.

Councilmember Fredericks said that the risks had been carefully evaluated prior to the purchase of the first note. She said that the Town had the first claim on repayment [of property taxes from the County] which made the idea of risk irrelevant, and that the loan did not affect the Town's balance sheet in any way.

Town Manager Curran said that the Finance Committee had discussed the issues of risk when the Town was first approached by the Town of Fairfax for the $1M loan. She said the committee had recommended splitting the loan into two parts prior to seeking Council approval. She said the note was written so that the property taxes are paid directly to the Town of Tiburon by the County and bypass the Town of Fairfax altogether. She said the Finance Committee felt that it

was a “win-win” situation for both towns, in that the Town of Tiburon made more interest than it did currently, the Town of Fairfax covered its shortfall and paid less interest for the loan, and there was zero risk to either party.

Councilmember O’Donnell asked if anyone representing the Town of Fairfax could address the Council on this issue.

Mark Pressman of the investment firm Wulff, Hansen, spoke. He said that he had worked as the Town of Tiburon’s investment banker for 30 years. He said that he had been retained by the Town of Fairfax in this transaction.

Mr. Pressman said that it was a common practice in California for cities to obtain loans through TRANS (tax revenue anticipation notes) to even out their cash flow. He said that the City of Los Angeles and many other cities did it and that hundreds of millions of dollars in loans were handled this way. He said there was also a pool that cities could join and borrow from.

Pressman said that last year, following the subprime meltdown, there were few funds available and cities had to look elsewhere for loans. For this reason, he said, Fairfax had approached a fellow city within the County. Pressman added that Fairfax was not in dire financial straits; on the contrary, he said it had a AA bond rating.

Councilmember O’Donnell asked how much Wulff, Hansen received for handling the transaction. Mr. Pressman said his firm received $2,000. He added that there was bond counsel involved in the transaction, as well.

Councilmember O’Donnell asked why Fairfax had not sought credit through a commercial facility, such as Bank of America. Mr. Pressman said that he did not know if Fairfax had approached a commercial bank for the loan.

Pressman said he understood the Council’s concern over the security of the Town’s assets. He said that Town staff had done everything to ensure the Town’s investments were secure and that the Town would make 4% interest instead of ½% on its investment.

Councilmember Slavitz concurred. He said that the Finance Committee met the following criteria in its recommendation to purchase the TRANS from Fairfax:

1) the investment was 100% secure;
2) the loan was a neighborly gesture to a fellow city;
3) it met the Town’s investment policy of diversification of Town funds (to achieve a greater return on investment).

Mayor Collins asked the Town Attorney to comment on municipal bankruptcy.

Town Attorney Danforth said that the TRANS was a secured note and that in the context of

bankruptcy law, the Town was a secured creditor which meant that the debt would not be discharged if the municipality filed for bankruptcy.

Councilmember O'Donnell said that he would not vote in favor of the loan; the remainder of the Council said that they would support it.

MOTION: To adopt Consent Calendar Item No 6, as written.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Collins, Fraser, Fredericks, Slavitz
NOES: O'Donnell

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3. **Application for Well Permit** – Approve permit for non-potable water well (Associate Planner Tyler)
   Address: 13 Roseville Court
   APN: 039-212-07
   Applicants: Stephen & Katherine Van Dusen

Director of Community Development Anderson said that the filing of a well permit with the Town was a precursor to filing an application for a well with County Environmental Health. He said that Town's permit only authorized the drilling of a hole in the ground. In this case, he said it was an eight-inch diameter hole that would go into the ground 200-300 feet. He said any well appurtenances would require design review approval, or a building permit, or both.

Councilmember Fredericks asked if there was other construction at this address, in addition to the proposed well. Director Anderson said that there were two separate building permits, one for a pool and pool house, and another that included landscaping, retaining walls, driveways, and fences.

Councilmember Fredericks asked whether these items had received design review. Anderson said that they had, prior to receiving a building permit.

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

Council indicated that it would vote to approve the recommendation of staff for the well permit at 13 Roseville Court.

MOTION: To adopt Consent Calendar Item No.3, as written.
Moved: Fredericks, seconded by Fraser.
Vote: AYES: Unanimous

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1. **Town Council Minutes** – Adopt minutes of January 20, 2010 regular meeting (Town Clerk Crane Iacopi)

Councilmember Fredericks asked that the description of the ballot initiative (Consent Calendar Item No. 3) of the California Taxpayers Right to Vote, be amended to read, "…or to form or expand a CCA or municipal utility."

MOTION: To adopt Consent Calendar Item No.1, as amended.
Moved: Slavitz, seconded by Fraser
Vote: AYES: Unanimous

ACTION ITEMS

1. **Appointments to Boards and Commissions** – Consider reappointment of commissioners whose terms expired on February 28, 2010; consider appointments to fill vacancies on remaining Boards and Commissions (Town Clerk Crane Iacopi)

- Planning Commission – (John Corcoran Term Expiration)
- Heritage & Arts Commission – (David Gotz and Ida Mae Berg Term Expirations)
- Heritage & Arts Commission – (Vacancy created due to resignation of Peggy Bremer)
- Design Review Board – (Vacancy created by appointment of Frank Doyle to Planning Commission)
- Parks, Open Space & Trails Commission – (Vacancies created by resignations of Ralph Leighton and Jill Sperber)

Town Clerk Crane Iacopi described the current vacancies which consisted of term expirations and existing vacancies.

Mayor Collins asked if there was any public comment. There was none.

MOTION: To reappoint John Corcoran to the Planning Commission.
Moved: O'Donnell, seconded by Fraser
Vote: AYES: Unanimous

MOTION: To reappoint Dave Gotz to the Heritage & Arts Commission.
Moved: O'Donnell, seconded by Fredericks
Vote: AYES: Unanimous

MOTION: To reappoint Ida Mae Berg to the Heritage & Arts Commission.
Moved: Fraser, seconded by Slavitz
Vote: AYES: Unanimous

MOTION: To appoint Jaleh Etemad to the Heritage & Arts Commission.
Moved: Fraser, seconded by Slavitz
Vote: AYES: Unanimous

MOTION: To appoint Lou Weller to the Design Review Board.
Moved: Fredericks, seconded by O'Donnell
Vote: AYES: Unanimous

MOTION: To appoint Bob McDermott to the POST Commission.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous

PUBLIC HEARINGS

The Council heard Item No. 2 first.

2. **Wireless Communication Facility at Cove Shopping Center** – Appeal of Planning Commission conditional approval of a co-located wireless communication facility at 1 Blackfield Drive (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

Director Anderson described the application to place a wireless communication facility in the false chimney of the Blockbuster building at the Cove Shopping Center. He said that there was already a wireless communications facility in this location.

Anderson said there were two grounds upon which the appeal is based:

Ground #1: The approval was based on a defective RF (Radio Frequency) Compliance Report.
Ground #2: Lack of Reasonable Public Notice of Additional RF Emissions

Anderson stated that because both of these appeal grounds involved questions regarding RF emissions, which are of a highly technical nature, Town staff retained an independent expert, Mr. Jonathan Kramer, to assist with the appeal processing. According to Anderson, Mr. Kramer was instructed to review the RF Compliance Report submitted by the applicant, conduct his own independent RF emissions analysis, provide education and legal background regarding RF issues, and provide his professional legal and engineering opinion regarding the grounds raised in the appeal.

Anderson said that Mr. Kramer concluded that the RF emissions report submitted by the applicant complied with federal requirements and that public noticing provided by the Town complied with legal requirements. He therefore recommended denial of the appeal on that basis.

However, Director Anderson said that Mr. Kramer recommended in his report, at pp. 9-10, that an existing condition of approval regarding safety signage on the roof-top and on the equipment cabinet could be made more specific and suggested text to that effect.

Councilmember Fredericks asked if Mr. Kramer was present. Director Anderson said that he was not.

Mayor Collins opened the public hearing for the appellant's presentation.

Peter Pursley, appellant, stated he was the co-owner of 251 Cecilia Way (located behind the Cove Shopping Center).

Mr. Pursley handed out a three-page "supplemental statement" to the Council. Mayor Collins asked if the statement was the same as the basis of his filed appeal. Mr. Pursley said that it was, but that he wanted to use it to address subsequent correspondence from the expert, as well as his communications with the FCC.

Mr. Pursley said that the Kramer report did not identify the equipment that was actually in the "box" to be installed at the location, nor did he do an analysis of its performance characteristics. He also said that Mr. Kramer consulted for Sprint/Nextel.

Mr. Pursley described his e-mail correspondence with a Mr. Chan of the FCC, who he said was co-author of OET-65, a regulation that required a description of "…the actual exposure conditions" of the equipment at the site. He said the Kramer report did not do this.

Mr. Pursley said there was a simple remedy to the problem, that is, for a supplemental certification letter to be submitted by the applicant that answered these questions.

Pursley also said that he concurred with Kramer's recommendation for increased signage.

Vice Mayor Slavitz noted that Mr. Pursley's property was 590 feet away from the proposed installation. He also noted that the report said that the RF emissions at that location would be 1/10 of 1% of the federal exposure limits.

Mr. Pursley said that all he wanted was an adequate public record to enable him to know what kind of equipment was in his neighborhood.

Mayor Collins asked whether that was important if the equipment could be turned off in the event it exceeded federal guideline emissions.

Mr. Pursley added, "if a field measurement is taken." And he added that OET-65 asked for a "good faith" effort to be made to disclose the information he sought.

Vice Mayor Slavitz asked whether Mr. Pursley thought that a good faith effort had not been made. Pursley replied that it was "Kramer vs. Hammett."

Councilmember Fredericks said that Mr. Hammett's letter states that the way he measures emissions is "industry standard," the same method used by Mr. Kramer.

Fredericks asked if he was asking for a field study to measure the emissions in that location. Mr. Pursley said no, that he wanted to know exactly what [equipment] was going to be installed at that location.

Councilmember O'Donnell suggested that the actual configuration or type of equipment might be proprietary information.

Councilmember Fredericks asked staff whether the Council had the legal authority to compel the type of reports the applicants submit.

Director Anderson said that the Town's wireless standards stated that the required report was one that complies with OET-65. Fredericks asked whether the expert's report complied with this regulation. Director Anderson said that it did.

Vice Mayor Slavitz asked Mr. Pursley whether he had asked the applicants for a description of the actual equipment to be installed. Mr. Pursley said that he had not.

Mayor Collins opened the hearing to the applicant.

Ryan Elias-Beg, representing applicant Clearwire, said that the company's application stood on its merits, according to both Mr. Hammett and the Town's expert. He said that Mr. Chan's e-mail also said that the type of reports submitted by Clearwire complied with existing regulations.

Mayor Collins asked Mr. Elias-Berg about what type of equipment was "in the box."

Mr. Elias-Berg said that there were three panel antennas in an RF-screened box.

Mayor Collins asked whether he could disclose the name of the manufacturer. Elias-Berg said that he could, but not the exact model number.

Councilmember Fredericks asked for an explanation of the difference between access to the internet via cell phone or broadband. Mr. Elias-Berg said that it was a matter of range and speed; broadband was a stronger, better signal that could be accessed more widely. He said that antennas for cell phones broadcast over a more limited range and connect only to those authorized devices that initiate a connection to them. In contrast, he said that broadband is the kind of connection in a Starbucks, and can be accessed by any device within range.

During his rebuttal, Mr. Pursley said that he felt that "reasonable assumptions" were acceptable in the absence of information regarding technical parameters. However, he asked why these technical parameters were not requested by the Town? He said that the public was entitled to this information and to all information concerning possible "carcinogenic technology."

Mayor Collins opened the hearing to public comment. There was none.

Mayor Collins closed the public hearing.

Councilmember Fredericks said that the use of models to assess data was common across industry standards. She said that she was not uncomfortable with the data obtained in this manner, especially in this case when the emissions were deemed to be no greater than telephone equipment and far below the federal exposure limits. She added that the Town was limited by law to the type of information it could require.

Councilmember Fraser concurred and said that he was comfortable with the expert's (Kramer) report which specifically outlined the risks of the emissions.

Councilmember O'Donnell agreed. He added that the Town had an obligation to protect public safety but that it also had to follow the standards and guidelines of the law.

Vice Mayor Slavitz said that he understood the frustration of the appellant but noted that the Town's expert said that the applicant had met the Town's requirements.

Mayor Collins said that he thought what the appellant really sought was a field test; he said that there was a Town requirement to perform a post-installation field test. He also said that he concurred with the expert's recommendation to enhance signage at the location.

The Mayor suggested that the applicant might send a letter to the Council disclosing the information requested by the appellant.

MOTION: To deny the appeal and direct staff to return to the Council with a resolution of findings, including the additional recommended conditions regarding signage.
Moved: Slavitz, seconded by Fraser
Vote: AYES: Unanimous

1. **Amendments to Zoning Ordinance** – Introduction and first reading of amendments to Title IV, Chapter 16 (Tiburon Zoning Ordinance) to incorporate comprehensive reformatting and text amendments (Director of Community Development Anderson)

Director Anderson gave a brief report. He said that the Zoning Ordinance had been reviewed extensively by the Planning Commission in 2009 and that staff had incorporated their comments. He noted that the first draft of the ordinance had been presented to the Council in January.

Council applauded the efforts of the Planning Commission and staff.

Mayor Collins opened the hearing for public comment. There was none.

Mayor Collins closed the public hearing.

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

Mayor Collins read, "An ordinance of the Town Council of the Town of Tiburon repealing Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code; adopting a new Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code; and making related cross-reference amendments to various Municipal Code chapters."

MOTION: To pass first reading of the amended Zoning Ordinance.
Moved: Slavitz, seconded by Fredericks
Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz

3. **Amendments to Encroachment Ordinance** – Introduction and first reading of an ordinance amending Title V, Chapter 19 (Encroachments) to add a provision authorizing encroachment-related policies to be adopted by the Town Council; to add definitions and other text amendments (Director of Public Works/Town Engineer Nguyen/Town Attorney Danforth)

Town Attorney Danforth gave the report. She said that Chapter 19 of the Town's Municipal Code regulates most encroachments onto Town property, and that under Chapter 19 any work on Town property requires an encroachment permit.

Danforth said that a new ordinance was being introduced that would distinguish between long and short-term encroachment permits. The long-term permits could be recorded against the property, according to Danforth, and any short-term permit could be revoked. She said that a policy had been drafted that would clarify these differences.

In response to a question from Councilmember O'Donnell, Danforth said that the current Chapter 19 does not contain explicit criteria for issuing encroachment permits, nor does it limit such permits' duration. She said that although staff has developed administrative policies governing work in the public right of way, it had found that some of the permitted work had the practical effect of privatizing public land. To address these issues, Danforth said staff recommended that the Council amend Chapter 19 and adopt a policy governing encroachment permit applications.

Danforth said that under the new ordinance and policy, the Town Council must approve a permit that allows (a) the construction of a substantial encroachment, or (b) an encroachment could have a substantial adverse effect on vehicular or pedestrian circulation, or on public health and safety on public land. She said that the Town Engineer would be able to act on all other encroachment permit applications.

Lastly, Danforth said the policy would authorize the Town Engineer to waive permit fees, in whole or part, where the work is for public benefit. She said this reflected current practice.

Mayor Collins opened the hearing for public comment. There was none.

Mayor Collins closed the public hearing.

MOTION: To read the ordinance by title only.
Moved: O'Donnell, seconded by Fraser
Vote: AYES: Unanimous

Mayor Collins read, "An Ordinance of the Town Council of the Town of Tiburon amending Title V, Chapter 19 of the Tiburon Municipal Code, regarding encroachments into Town property and rights of way."

MOTION: To pass first reading of the amended Encroachment Ordinance.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz

4. **Amendments to Water Conservation Ordinance** – Introduction and first reading 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 said that the Town adopted a Water Conservation chapter of its Municipal Code in 1990, focusing primarily on landscape requirements. He said that recent changes in State law have now rendered those regulations obsolete and new and stronger provisions are mandated. Anderson said the proposed ordinance before the Town Council would repeal the current Town regulations with respect to Water Conservation and adopt by reference Marin Municipal Water District (MMWD) water conservation regulations.

In his staff report, Anderson described projects to which the new regulations would apply:

(1) New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check or design review; and

(2) New construction and rehabilitated landscapes that are developer-installed in single family, two-family and multi-family residential projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, plan check or design review; and

(3) New construction landscapes that are homeowner-provided and/or homeowner-hired in single family, two-family, and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit, plan check or design review

Anderson said that the Town's ordinance would designate MMWD, the local water provider, to implement, enforce, and monitor the requirements of the ordinance, as is permitted under state law. He said this was the same approach used by the other municipalities in the MMWD service area.

Councilmember O'Donnell asked whether the Tiburon Fire Protection District had vetted these new regulations. He said that it would be unfortunate if the MMWD regulations did not match up with local fire district regulations, and he gave an example from his own experience to illustrate this point.

Councilmember Fraser asked whether it was possible that the two agencies (MMWD and fire districts) would have different standards.

Anderson said that the Councilmember O'Donnell's landscaping project had been subject to the fire district's WUI (Wildland Urban Interface) regulations which were new at the time and had not yet been reflected in MMWD's water conservation regulations.

Council concurred that knowing that all involved agencies were "on board" would be useful prior to adoption of a new ordinance.

Staff recommended that the Council hold first reading of the ordinance and then, prior to adoption, staff would report on the requested information (on March 17, 2010).

Mayor Collins opened the hearing for public comment. There was none.

Mayor Collins closed the public hearing.

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

Mayor Collins read, "An Ordinance of the Town Council of the Town of Tiburon repealing Title IV, Chapter 13E (Water Conservation) of the Municipal Code and adopting a new Title IV, Chapter 13E (Water Efficient Landscape) and adopting by reference Marin Municipal Water District (MMWD) Ordinance No. 414 regarding Water Conservation."

MOTION: To pass first reading of the amended Water Conservation Ordinance.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz

5. **Amendments to Fee Schedules** – a) Consider adoption of a resolution making various amendments to the Town's Community Development Fee Schedule and Schedule of Miscellaneous Services; b) Consider adoption of amended Animal Control Fees consistent with those adopted by the County of Marin and municipalities of Marin County (Director of Community Development Anderson)

Director Anderson described proposed revisions to the fee schedule used by the Community Development Department and Administrative Services Department and adoption of an updated fee schedule for animal control services. He summarized the Community Development and Administrative Services fee modifications in his staff report:

- Create line items for Tidelands Permits and over-the-counter design review permits, which are new permit types contained in the updated Zoning Ordinance
- Modify sign permit fees to reflect the recently-updated Sign Ordinance provisions
- Updates to reflect current State Department of Fish & Game pass-through CEQA fees
- Create a line item for Special Event Permit processing fees (Town Clerk)
- Create a line item for Certification of Copies (Town Clerk)
- Increase the cost of a Residential Resale Inspection (RBR) by $100
- Create a line item for the State Building Standards Commission pass-through fee

Anderson said that all of the above would be minor changes to the fee schedule. He said there were no increases in building fees based on project valuation and no increases in zoning permit fees or hourly rate schedules.

The Director went on to say that there was actually a fee reduction, in some cases. He said that there would be a reduction of the cost of a applying for a sign, for example, under the Town's new sign ordinance.

<u>Animal Control Services Fee Schedule</u>

Director Anderson said that the Marin County Board of Supervisors adopted an amended fee schedule for Animal Control in December 2009. He said that since these services were provided by the Marin Humane Society under a Joint Powers Agreement, all cities in the county must adopt the same fee schedule in order for new fees to become effective. Anderson said that all other municipalities in the County had now adopted these updated fees, and that the fee updates were generally in the form of minor fee increases.

Councilmember O'Donnell commended staff for a reduction in the sign application fee, and he

said that it would encourage compliance. He also said that not raising building fees was commendable, especially in the current economic environment.
Mayor Collins agreed, and noted that it was seldom seen that prices go down.

Mayor Collins opened the hearing for public comment. There was none.
Mayor Collins closed the public hearing.

MOTION: To adopt the resolution amending Town fee schedule.
Moved: Fraser, seconded by O'Donnell.
Vote: AYES: Unanimous

MOTION: To adopt the amended Animal Control fee schedule.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

Councilmember Fredericks said that she had participated in a conference call with the State Department of Agriculture concerning the Light Brown Apple Moth. She said the Department had posted the EIR on its website; she also reported that its current policy was not to spray but to use the twist tie, and sterilization methods to control the pest.

TOWN MANAGER'S REPORT

Town Manager Curran noted the upcoming Town Council Staff retreat scheduled for March 23rd at Servino's Restaurant.

WEEKLY DIGESTS

- Town Council Weekly Digest – January 22, 2010
- Town Council Weekly Digest – February 12, 2010

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the meeting at 9:17 p.m. to a continuation of the closed session.

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.

Council reconvened in open session.

Councilmember Slavitz was absent.

CLOSED SESSION ANNOUNCEMENT, IF ANY

Mayor Collins said there was nothing to report.

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the meeting at 10 p.m.

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RICHARD COLLINS, MAYOR

ATTEST:

_____
DIANE CRANE IACOPI, TOWN CLERK