



TOWN OF TIBURON
Regular Meeting
Town Council Chambers
1505 Tiburon Boulevard
Tiburon, CA 94920

November 17, 2004
6:45 PM – Closed Session
7:30 PM – Meeting

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (415) 435-7377. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Belvedere-Tiburon Library located adjacent to Town Hall. Agendas and minutes are posted on the Town's website, www.ci.tiburon.ca.us.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to the Office of the Town Clerk at the above address.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

TIMING OF ITEMS ON AGENDA

While the Town Council attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order. No set times are assigned to items appearing on the Town Council agenda.

AGENDA

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Section 54956.9(c))

Initiation of Litigation – Case name withheld because disclosure would jeopardize existing settlement negotiations

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Section 54956.(b))

Potential litigation arising under Section 9.2 of the MERA Joint Powers Agreement because of delays to MERA Project

CALL TO ORDER AND ROLL CALL

Councilmember Gram, Councilmember Slavitz, Councilmember Smith, Vice Mayor Berger, Mayor Fredericks

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

ORAL COMMUNICATIONS

Persons wishing to address the Town Council on any subject not on the agenda may do so now. Please note however, that the Town Council is not able to undertake extended discussion or action tonight on items not on the agenda. Matters requiring action will be referred to the appropriate Commission, Board, Committee or staff for consideration and/or placed on a future Town Council meeting agenda. Please limit your comments to no more than three (3) minutes.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – November 3, 2004
2. **Recommendation by Director of Administrative Services** – Reallocation and Transfer of Reserves for FY 2004-05
3. **Recommendation by Planning Manager** – Partial Upholding of Appeal of Design Review Board Decision to Approve a Site Plan and Architectural Review Application for Construction of a new Single Family Dwelling at 79 Round Hill Road

Appellants: Charles and Dale Sofnas, 75 Round Hill Road
Applicants: Ron Oznowicz & Carl Weissensee
Assessor Parcel Nos.: 58-301-17 & -35

- a) A Resolution of the Town Council of the Town of Tiburon Partially Upholding Appeal Charles and Dale Sofnas and Granting Conditions Thereto

PUBLIC HEARING

4. **Recommendation by Director of Public Works/Town Engineer** – Formation of Lyford Cove Undergrounding of Utilities Assessment District

Those homeowners who have not yet submitted a ballot, or those who wish to change their vote on the ballot already submitted, may do so at any time up to the close of the Public Hearing.

- a) Project Summary. There will be a brief summary of the project and proposed financing by representatives of the proposed District and Staff.
- b) Public Hearing. Speakers will have three (3) minutes and will be asked to state their name, address and identify the property they own or represent within the proposed Assessment District.
- c) Submittal of Ballots. The Mayor will ask for the final submittal of ballots to the Town Clerk.
- d) Tabulation of Ballots. The Public Hearing will be closed and the Council will take a short recess to allow the Town Clerk time to open and tabulate the ballots.
- e) Results. Based upon the results of the balloting, the Town Council will then discuss the matter and determine how to proceed. If the Council decides to proceed with the formation of the Assessment District, it will adopt the following resolution:
 - (i) A Resolution of the Town Council of the Town of Tiburon Adopting the Engineer's Report, Confirming the Assessment, Ordering the Work and Acquisitions and Directing Actions with Respect thereto – Town of Tiburon, Lyford Cove Undergrounding Assessment District

REGULAR AGENDA

5. **Recommendation by Town Manager** – Update on and Authorize Execution of MERA Cooperative Agreement

COUNCIL, COMMITTEE AND COMMISSION REPORTS

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – November 5, 2004

Town Council Weekly Digest – November 12, 2004

ADJOURNMENT

FUTURE MEETINGS & AGENDA ITEMS – *Note: These items are tentative until they appear on the final agenda*

- Election of Mayor/Vice Mayor – (December 1)
- Tiburon Police Association Contract – (December 1)
- Annual Meeting of Tiburon Redevelopment Agency – (December 1)
- FY 2003-04 Audit Report and Adoption - (December 1)
- Town Holiday Party – (December 15)
- Annual Development Fee & Street Impact Fee Report – (January 2005)
- Annual Appointments List & Notice of Pending Vacancies on Town Boards & Commissions – (January 2005)
- Tiburon Glen Precise Development Plan
- Soda LLC – Waiver of Annexation Request
- Revised Street Impact Fee Schedule
- Raccoon Lane Undergrounding Project – Reaffirm Resolution of Intention
- Proposed Erosion and Siltation Control Ordinance
- County-wide Services JPA
- Adoption of Updated Personnel Rules and Regulations
- Trestle Glen Bike and Pedestrian Path Improvements – Plans and Specifications