



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

October 5, 2005
6:15 P.M. – Closed Session
7:30 P.M. – Regular 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 -

(Section 54956.9(a))

Town of Tiburon v. Sylvia

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

(Section 54956.9(b))

Threatened Litigation by County of Marin

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Section 54957)

Title: Town Manager
Town Attorney

CALL TO ORDER AND ROLL CALL

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

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

All items on the Consent Calendar may be approved by one motion of the Town Council unless a request is made by a member of the public, staff or Town Council that an item be transferred to the Regular Agenda for separate discussion and consideration. Likewise, any item on the Regular Agenda may be moved to the Consent Calendar. If you would like to speak on any of these items on the Consent Calendar below, please do so now.

1. **Approval of Town Council Minutes** – September 21, 2005
2. **Recommendation by Director of Public Works/Town Engineer** – Accept Trestle Glen Bicycle and Pedestrian Pathway Improvements as Complete
 - a) A Resolution of the Town Council of the Town of Tiburon Accepting Trestle Glen Pedestrian Pathway Phase 1 Project

3. **Recommendation by Director of Public Works/Town Engineer** – Adopt Town Policy Regarding Street Repairs in Conjunction with Rule 20B Utility Undergrounding Projects
4. **Recommendation by Director of Public Works/Town Engineer** – Adopt Town Policy for Fences Constructed in Public Right-of-Way
5. **Recommendation by Town Manager** – Recognition of Town Employees Kevin Bryant and Pat Echols upon their Departure – *(to be presented at Council meeting)*
 - a) A Resolution of the Town Council of the Town of Tiburon Commending Advance Planner Kevin Bryant for his Distinguished Service to the Town of Tiburon
 - b) A Resolution of the Town Council of the Town of Tiburon Commending Director of Public Works/Town Engineer Patrick Echols for his Distinguished Service to the Town of Tiburon
6. **Recommendation by Town Manager** – Authorize Request for Proposal to Retain Consultant for Organizational and Operational Review and Analysis of the Belvedere-Tiburon Joint Recreation Department
7. **Recommendation by Town Attorney** – Accept Moitoza and Las Lomas Lanes as Public Recreational Trails and Rights-of-Way for Purposes of Maintenance by Town
 - a) A Resolution of the Town Council of the Town of Tiburon Accepting Moitoza and Las Lomas Lanes

REGULAR AGENDA

8. **Recommendation by Director of Administrative Services** – Adoption of Town Risk Management Program and Policy
 - a) A Resolution of the Town Council of the Town of Tiburon Adopting a Risk Management Program
9. **Recommendation by Director of Public Works/Town Engineer** – Adoption of Hazard Mitigation Plan
 - a) A Resolution of the Town Council of the Town of Tiburon Adopting the Association of Bay Area Government's Report *Taming Natural* Disasters as the Town of Tiburon's Local Hazard Mitigation Plan

PUBLIC HEARING

10. **Recommendation by Town Attorney and Director of Community Development – Economic Exception Ordinance**

Second Reading and Adoption of Ordinance

- a) An Ordinance of the Town Council of the Town of Tiburon Adding a new Article VII to Title IV, Chapter 16 of the Tiburon Municipal Code regarding Economic Exceptions

11. **Recommendation by Town Attorney and Director of Public Works/Town Engineer – Town Ordinance pertaining to Encroachments in Public Right-of-Way**

Introduction and First Reading of Ordinance

- a) An Ordinance of the Town Council of the Town of Tiburon Repealing existing Chapter 19 (Encroachments) of the Tiburon Municipal Code and replacement with a new Chapter 19 (Encroachments, General) and adding a new Chapter 19A (Use of Public Right-of-Way) to the Tiburon Municipal Code

COUNCIL AND COMMITTEE REPORTS

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – September 23, 2005

Town Council Weekly Digest – September 30, 2005

ADJOURNMENT

FUTURE TOWN COUNCIL MEETINGS:

- October 19, 2005
- November 2, 2005
- November 16, 2005
- December 7, 2005

MEETINGS & ACTIVITIES:

- LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – October 5-8, 2005 (Moscone Center, San Francisco)
- RUSD SCHOOL BOARD CANDIDATE FORUM – Tuesday, October 11, 2005 – 7:00 p.m. (Town Council Chambers)

- FAREWELL LUNCH (for Kevin Bryant and Pat Echols) – Friday, October 14, 2005 – 12:00 p.m. (Guaymas)
- TOWN COUNCIL CANDIDATE FORUM – Tuesday, October 18, 2005 – 7:00 p.m. (Town Council Chambers)
- EMPLOYEE APPRECIATION EVENT – Friday, October 21, 2005 – 4:00 p.m. (Ferry Landing)
- MUNICIPAL ELECTION (TOWN COUNCIL) – Tuesday, November 8, 2005
- TOWN COUNCIL/RUSD JT. MEETING – Wednesday, November 30, 2005 – 7:30 p.m. (Town Council Chambers)
- TOWN HOLIDAY PARTY – Wednesday, December 14, 2005 – 6:00 p.m. (Town Council Chambers)

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

- Appeal of Planning Commission Denial of Conditional Use Permit Application for 2nd Story Banquet Facility Expansion Plan for Caprice Restaurant – (October 19)
- 1st Quarter Financial Report – (October 19)
- Redevelopment Agency Annual Report – (October 19)
- Annual COPS Resolution – (October 19)
- Appeal of Design Review Board Approval of Site Plan and Architectural Review – 77 Round Hill Road – (November 2)
- South Knoll Playground Renovation Award of Contract
- Award of Contract to Televiser Storm Drains
- Award of Contract/Railroad Marsh Maintenance and Cat-tail Removal
- Wireless Communication Facilities Ordinance