



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

September 7, 2005
6:15 P.M. – Closed Session
7:15 P.M. – Interview
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 – EXISTING LITIGATION

(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

INTERVIEW

- Frank Doyle, 85 Round Hill Road

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.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Design Review Board – (One Vacancy)

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** – August 17, 2005

2. **Recommendation by Director of Public Works/Town Engineer** – Denial of Appeal of Encroachment Permit Conditions for Installation of Fence and Gate at 696 Hilary Drive
 - a) A Resolution of the Town Council of the Town of Tiburon Denying an Appeal by Mark Gineris of Encroachment Permit Conditions and Directing Actions for Compliance, Including a 90-day Non-Enforcement Grace Period (Assessor Parcel No. 055-212-04)
3. **Request by Chamber of Commerce** – Funding for Second Annual Oktoberfest on Main Street, September 30, 2005
4. **Recommendation by Town Manager** – Retention of Executive Recruiter for Town Engineer/Director of Public Works Recruitment
5. **Recommendation by Town Manager** – Retention of Consultant for Management Audit of Community Development Department
6. **Request by Reed Union School District** – Support of November 8, 2005 Facilities School Bond
 - a) A Resolution of the Town Council of the Town of Tiburon In Support of Measure “A” for the Reed Union School District \$13 Million Facilities Bond Measure

REGULAR AGENDA

7. **Recommendation by Town Manager** – Lyford Cove Utility Undergrounding Assessment District Resolution Authorizing Supplemental Bond Sale – Series 2005-2
 - a) A Resolution of the Town Council of the Town of Tiburon Authorizing Issuance of Limited Obligation Improvement Bonds (Lyford Cove Utility Undergrounding Assessment District)
8. **Presentation and Report by Godbe Research** – Tiburon Peninsula Public Opinion Research Survey Results

PUBLIC HEARING

9. **Recommendation by Town Attorney and Director of Community Development** – Economic Exception Ordinance – *continued from June 29, 2005*

Introduction and First Reading 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

10. **Recommendation by Advance Planner** – Adoption of Tiburon General Plan

- a) A Resolution of the Town Council of the Town of Tiburon Certifying the Final Environmental Impact Report for the Adoption of the Tiburon General Plan, *Tiburon 2020*
- b) A Resolution of the Town Council of the Town of Tiburon Adopting Findings, A Statement of Overriding Considerations, And a Mitigation Monitoring Program, relating to the Adoption of Of the Tiburon General Plan, *Tiburon 2020*, pursuant to the California Environmental Quality Act
- c) A Resolution of the Town Council of the Town of Tiburon Adopting the Tiburon General Plan, *Tiburon 2020*

COUNCIL AND COMMITTEE REPORTS

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – August 19, 2005

Town Council Weekly Digest – August 26, 2005

Town Council Weekly Digest – September 2, 2005

ADJOURNMENT

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

- Marin Commission on Aging Annual Report – (September 21)
- Award of Contract/Railroad Marsh Cat-tail Removal – (September 21)
- Award of Contract/South of the Knoll Playground Renovation – (September 21)
- Accept 2004-05 Street Rehabilitation Project as Complete – (September 21)
- List of Streets for 2005-06 Street Rehabilitation Project – (September 21)
- Affirm Town Council Prioritization of Rule 20A Public Utility Undergrounding Funds – (September 21)
- Town Council policy regarding Street Repairs in conjunction with Undergrounding Projects – September 21)
- Town Manager/Town Attorney Annual Performance Review – (September 21 or October 5)
- Annual General Plan Status Report – (September 21)
- Risk Management Presentation – (October 5)
- 1st Quarter Financial Report – (October)
- Redevelopment Agency Annual Report – (October)
- Annual COPS Resolution – (October)
- Award of Contract to Televisе Storm Drains
- Appeal of Planning Commission Denial of Conditional Use Permit Application for 2nd Story Banquet Facility Expansion Plan for Caprice Restaurant – (continued to **NEW date** of October 19)
- Application for Irrigation Well Permit – *continued from August 17, 2005*
 - Property Owner: Sharam Tajback
 - Address: 3 Francisco Vista
 - Assessor Parcel No. 039-111-11