

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Slavitz called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, November 5, 2003 , in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Fredericks, Gram, Slavitz
ABSENT: COUNCILMEMBERS: Berger, Thompson

PRESENT: EX OFFICIO: Town Manager McIntyre, Town Attorney Danforth,
Director of Community Development Anderson,
Director of Public Works/Town Engineer Echols,
Chief of Police Odetto, Director of Administrative
Services McVeigh, Administrative & Financial
Analyst Stott, Town Clerk Crane Iacopi

CLOSED SESSION

**Conference with Legal Counsel
(Section 54956.9(a))**

Howard Zack, Diane Zack v. MERA
MERA v. Town of Tiburon and Dean Bloomquist
Citizens for Open Process in Antenna Siting (COPAS) v. MERA

**Conference with Legal Counsel – Anticipated Litigation
(Section 54956.9(b))**

Significant Exposure to Litigation: One Case

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Slavitz said that direction was given to Staff in the above matters.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Vice Mayor Fredericks asked that Item No. 6 be removed for discussion.

1. **Approval of Town Council Minutes** – October 15 , 2003
2. **Approval of Town Council Minutes** – October 22, 2003
3. **Recommendation by Mayor** – Third Amendment to Town Manager’s Employment Agreement
4. **Recommendation by Town Manager** – Adopt recommendations of Joint Services Authority Oversight Committee
 - a) A Resolution of the Town Council of the Town of Tiburon Affirming the Roles of the Marin County General Services Joint Powers Agency and the Marin County Joint Services Authority Oversight Committee
5. **Recommendation by Town Manager** – Chamber of Commerce Citizen of the Year
 - a) A Resolution of the Town Council of the Town of Tiburon Commending Chris Morrison upon his Selection by the Tiburon Peninsula Chamber of Commerce as the 2003 Citizen of the Year
6. **Recommendation by Planning Manager** – Resolution Memorializing Partial Granting of Appeal
 - a) A Resolution of the Town Council of the Town of Tiburon Memorializing the Partially Granting of an Appeal by St. Hilary Catholic Church of the Denial of a Site Plan and Architectural Review for Property located at 761 Hilary Drive

MOTION: To adopt Consent Calendar Items 1 through 5, above.

Moved: Gram, seconded by Fredericks

Vote: AYES: Unanimous
ABSENT: Berger, Thompson

Consent Calendar Item No. 6 - **Recommendation by Planning Manager** – Resolution Memorializing Partial Granting of Appeal.

- a) A Resolution of the Town Council of the Town of Tiburon Memorializing the Partially Granting of an Appeal by St. Hilary Catholic Church of the Denial of a Site Plan and Architectural Review for Property located at 761 Hilary Drive

Vice Mayor Fredericks suggested that specific language be added to the resolution to indicated that the drainage to adjacent properties be “freed up” by removal of the soil and restored to its previous state.

Director of Community Development Anderson said that removal of the soil as previously directed by Council would achieve this effect but noted that the additional language would encourage this result.

Council concurred with the Vice Mayor’s recommendation.

MOTION: To amend the resolution (Item No. 6) above to add the condition that the drainage be restored to adjacent properties.

Moved: Fredericks, seconded by Gram

Vote: AYES: Unanimous
ABSENT: Berger, Thompson

REGULAR AGENDA

Council reversed the order of Items 7 and 8.

7. **Recommendation by Director of Community Development** – Application by Belvedere-Tiburon Library Agency for Proposed Library Expansion

- a) Authorize Town Manager to Sign Application Forms on behalf of the Town to Enable the Library to Apply for Actions on Town-owned Property
- b) Consider Request by Library for Waiver of Planning Processing Fees

Town Manager McIntyre said that the Library had requested the following: 1) that the Town authorize his signature of its development application for a proposed expansion plan; and 2) that the Town waive the planning fees associated with processing this application.

Mr. McIntyre said that historically the Town Council had directed him to be fiscally prudent; therefore he had recommended against the fee waiver in the Staff report. However, he advised Council to take public comment on this and the other issues.

Mayor Slavitz opened the public hearing.

Deborah Mazzolini, Library Director, said that the Agency was taking the process “step by step” and that it was still in the conceptual stages. However, she asked that the Council authorize the Town Manager to sign the development application so that the process could continue.

Lynn Wellman Barr, Tiburon resident and Chair of the Library Agency Board, also urged the Council to sign the application for the Library expansion. Ms. Barr said that she could not imagine a project more worthy of a fee waiver under the Town’s policy (Resolution No. 30-2001). She said that there was no other community resource that served a greater number of people.

Mary Falk, President of the Library Foundation, echoed the above sentiments. She said that the Library was always full and was a resource to people of all ages in the community. She asked that the Council waive the small amount of processing fees (\$3800).

Mayor Slavitz closed the public hearing.

Councilmember Gram asked whether the “initial study” would be done in-house by the Town’s Planning Staff. Director of Community Development said that a draft study had already been submitted by the Library’s consultant which would be used as a basis for the one produced by Town Staff.

Councilmember Gram said that he would support a waiver of the planning processing fees.

Vice Mayor Fredericks concurred, and cited the Library Director’s report of the scope and increase in services provided by the Library since its opening in 1996. She also stated that this was the kind of project that the Town’s fee waiver resolution intended to facilitate and that she would support it.

Mayor Slavitz agreed and reiterated the value of the Library as a community asset. He also stated that it was the Town Manager’s job to make the Council aware of costs associated with public projects but that he felt that a fee waiver was appropriate in this case to “continue the spirit of the Zelinsky family.”

MOTION: To authorize the Town Manager to sign the application for the Library expansion plan and to waive the initial filing fees and deposits estimated to be in the amount of \$3,800.

Moved: Fredericks, seconded by Gram

Vote: AYES: Unanimous
ABSENT: Berger, Thompson

8. **Recommendation by Town Manager** – Downtown Public Art Project

Town Manager McIntyre said that the questions before Council were whether to keep the project alive in its current form and offering a possible return of funds to donors.

Mr. McIntyre said that some members of the community continued to promote the idea of a fountain in the downtown location and that the current project could be resuscitated with the addition of a water element. On the other hand, McIntyre said that the Heritage & Arts Commission had recommended that the original donors be given the option of getting their money back while the process of moving forward and the project itself was being redefined and reevaluated by Council.

Vice Mayor Fredericks recommended that a subcommittee of the Town Council be formed to decide on a process before further action on the project or further fundraising took place. She said this process would define: a) the criteria of the project; b) the scope of the outreach; and c) who would have the final say on selection and how that decision would be reached.

Town Manager McIntyre said that another option would be to design the current project around the money already raised (\$60,000 of public funds and \$20,000 from the Town).

Councilmember Gram suggested that a money-back offer be made to the donors but that it should also be made clear that the Council was serious about a fountain project in that location. He said that Council subcommittee idea was a good idea and volunteered to be on it. He also said that he did not think anyone had studied working with the current “wedding cake” design of the current location.

Council unanimously agreed to form a Council subcommittee consisting of Councilmembers Berger and Gram to determine the process and criteria for a new piece of artwork with a water element in that location. Council also directed Staff to send all donors a letter giving them an option to get their money back or to leave it in the Town’s fund for a reconfigured project.

PUBLIC HEARING

9. **Recommendation by Planning Manager** – Appeal of Design Review Board Denial of a Site Plan and Architectural Review application for Construction of an Addition to an Existing Single-Family Dwelling, with a Floor Area Exception – *Request for Continuance to November 19, 2003*

Address: 81 Eastview
Appellant: Jeff Kaiser
AP Number: 60-105-51

Continuance granted.

COUNCIL COMMITTEE AND COMMISSION REPORTS

None.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – October 17, 2003

Town Council Weekly Digest – October 24, 2003

Town Council Weekly Digest - October 31, 2003

Town Manager McIntyre acknowledged Planning Manager Dan Watrous for the successful Tree Ordinance seminar he had conducted at the request of the Mt. Tiburon Homeowners' Association.

Mayor Slavitz suggested that this would be a good thing for the Town to offer in the future.

The Town Manager also highlighted some future agenda items and a letter to the Southern Marin Siting Committee to proceed with the processing of other sites (in lieu of the rejection by Richardson Bay Sanitary District of that site for a MERA antenna).

Vice Mayor Fredericks thanked the Tiburon Police Department and in particular, Sgts. Hahn and Wachowiak, for conducting a home safety seminar for the Lyford's Cove/Old Tiburon HOA.

ADJOURNMENT

There being no further business before the Tiburon Town Council, Mayor Slavitz adjourned the meeting at 8:00 p.m. in honor and memory of the Marin County Firefighters battling the Southern California Wildfires, sine die.

JEFF SLAVITZ, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK