

## **TOWN COUNCIL MINUTES**

### **CALL TO ORDER**

Vice Mayor Fredericks called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, August 6, 2003, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

### **ROLL CALL**

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

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

### **ORAL COMMUNICATIONS**

- Eric Artmann, Midden Lane, commented on a letter to the editor in the *Ark* concerning the removal of planter boxes downtown. He asked the Council whether the encroachment permit mentioned in the letter required a fee and also whether the rest of the allegations in the letter were true. He said that it was important to maintain good relations with the community, keeping in mind that there was an upcoming Council election.
- Patrick Hulsbus, 30 Marsh Road, presented photos to the Council of the intersection at Beach Road near his home. He said it was unsafe for pedestrians to cross the street due to speeding cars coming around the corner.
- Jim Bryant, Tiburon Rotary Club and friend of Jimmy Liu, thanked Town officials and residents for their contributions to his memorial service at the Belvedere Community Center.

### **CONSENT CALENDAR**

1. **Approval of Town Council Minutes – July 16, 2003**

Councilmember Berger and Vice Mayor Fredericks added their changes to the minutes.

2. **Request by the Tiburon Peninsula Chamber of Commerce** – Proclaim Saturday, August 9, 2003 as “Ernie Nevers Day” in Tiburon
3. **Recommendation by Director of Administrative Services** – Accept Town Investment Summary for June 2003
4. **Recommendation by Director of Administrative Services** – Reorganization of Administrative Services Department and Establishment of an Office Worker III Classification
5. **Recommendation by Chief of Police** – Reorganization of the Police Department and Establishment of a Police Services Aide Classification
6. **Recommendation by Public Works Director and Planning Manager** – Application for Removal of Trees along Tiburon Boulevard in the Vicinity of Blackie’s Pasture – (Joyce Tayer, Applicant)
  - a) A Resolution of the Town Council of the Town of Tiburon Conditionally Approving a Tree Permit for Removal and Alteration Of Trees on Public Property in the Vicinity of Blackie’s Pasture - Assessor Parcel Nos. 55-141-08, 11 & 18

MOTION: To adopt Consent Calendar Item Nos. 1 through 6, as amended.  
 Moved: Berger, seconded by Gram  
 Vote: AYES: Unanimous  
 ABSENT: Slavitz, Thompson

REGULAR AGENDA

7. **Request by Director of Public Works/Town Engineer** – Reconsideration of Approval of Inclusion of Portion of Hawthorne Drive in Del Mar Valley Utility Undergrounding Assessment District

Director Echols said that the item had been continued from July 16, 2003 in order to give some residents who had not been aware of the meeting procedure an opportunity to address the Council on the matter.

At the July 16, 2003 meeting, Mr. Echols informed Council that the neighborhood in question had demonstrated 61% interest in joining the [contiguous] Del Mar Valley Utility Undergrounding district. He said that Staff recommended approval of the request, after seeking input from the Del Mar Valley District Engineer and the PG&E as to the feasibility of including this area in the larger district, and after receiving the requisite subscription deposits from the interested residents.

Mr. Echols said the area (18 parcels) was of sufficient size to qualify under Rule 20B and would be considered a special zone of the greater Del Mar Valley project.

Vice Mayor Fredericks opened the public hearing.

The following residents spoke:

- Colleen Mahoney, 680 Hawthorne Drive, said she had done research on Rule 20A projects and discovered that the intent of such projects was to create aesthetically pleasing civic centers. She questioned why such a small section of Hawthorne Terrace was being incorporated into the much larger district, with no information provided about possible costs and the like to the affected homeowners. She said it would be a burden on those homeowners who would receive no [view] benefit from the undergrounding and suggested that the “uphill people” join but not to “railroad” the others into joining. She also said they were seeking legal advice on this issue.
- Sammie Burke, 681 Hawthorne Drive, said she had raised her family in the neighborhood but that it was no longer the same; said that she was a widow and that she did not like to spend money on things she did not need and that if she had the resources, she would put the money into a new roof or other home improvements.
- Frank Presotto, 670 Hawthorne Drive, a retired teacher, said that his pension was not one that would cover an expensive undergrounding assessment.
- Frank Van Ligten, 682 Hawthorne Drive, asked why the entire street had not been included in the district if safety were the number one priority of the project. He also said that he and his wife had not received a petition.
- Frank McKenna asked whether non-interested residents had any legal recourse to “opt out” of the district.
- John Kern, Stewart Drive, said that the assessment in their neighborhood came to just over \$15,000 per parcel and averaged \$8,000 for the lateral hook-ups. He said his tax bill increased approximately \$1,200 per year.
- Kathleen Bailey, 675 Hawthorne Drive, proponent and organizer of the project, said she had been researching various financing options for seniors with the County Tax Assessor’s office, the California Retired Teacher’s Associations, and others. She also said that she had done everything to advance the project as required by the Town’s undergrounding policy.

Councilmember Gram asked whether there was a portion of the bonds that residents could “borrow from.” Director Echols said that 10% of the bond proceeds in the Stewart Drive project had been used to help finance the lateral connections.

Town Attorney Danforth said that the bonds would have to be sized at the time of issue to allow for this, but that it was certainly something that Council could direct the District to do.

Vice Mayor Fredericks said it would be appropriate to consider at the time the Engineer's report was presented to the Council. She said that this and other means of financing were ways to make the cost "less painful" to some residents.

The Vice Mayor also said that in the Tiburon "culture" views were given priority, while in other parts of the country, utility undergrounding projects were advanced primarily on the basis of safety. She said that both aspects were addressed as the basis for undergrounding utilities in Tiburon and that most residents seemed to be happy with the results once the projects were completed.

Vice Mayor Fredericks asked Ms. Bailey whether there had been a neighborhood meeting with the District Engineer as there had been with Del Mar Valley and Lyford's Cove Undergrounding projects.

Ms. Bailey said that there had been no formal meeting, although she had contacted all of her neighbors. She said that it was her understanding that a formal meeting was not a requirement of the Town's policy.

Council asked the Town Engineer whether he thought there would be any adverse affect on the greater Del Mar Valley project if a decision was delayed on the inclusion of Hawthorne Drive in order for the residents to have more of their questions answered. He replied that he did not think that a week or two would adversely affect the progress of the project.

Council voted to continue the item to August 20, in order to allow time for the organizers and Staff to work out a meeting schedule with the District Engineer and the residents of Hawthorne Drive.

8. **Recommendation by Director of Administrative Services** – Approval of a Business License Amnesty Program

Director McVeigh gave the Staff report. Council approved the proposed program but directed Staff to provide a two-month amnesty period instead of the shorter period mentioned in the report.

9. **Recommendation by Director of Community Development** – Amendments to Hillside Design Guidelines

Planning Manager Watrous gave the report, noting some additional amendments proposed by Vice Mayor Fredericks.

Council concurred with the changes in language and definition, as outlined by Staff, but made one additional clarification to the language of the resolution, as follows: "It is more important to protect the view from the primary living areas of a dwelling (e.g. living room, dining room,

family room, great room, kitchen, and decks associated with these rooms) than for less actively used areas of a dwelling...”.

MOTION: To adopt the resolution amending the Town’s Hillside Design Guidelines.  
Moved: Berger, seconded by Gram  
Vote: AYES: Unanimous  
ABSENT: Slavitz, Thompson

**10. Recommendation by Director of Public Works/Town Engineer – Proposed Open Space Policy Guidelines**

Director Echols said that the Parks & Open Space Commission had endorsed the draft Open Space Management Policy and recommended adoption. He also said that the draft had been circulated to the Tiburon Police Department, Tiburon Fire Protection District, and Southern Marin Fire Protection District for review, and had been made available to the public on the Town’s website since last Fall.

Director of Community Development Anderson also noted that the guidelines are compatible with the Open Space and Conservation Element of the Town’s General Plan, and had not been updated for some time.

Councilmember Gram raised a question about the policy guideline requiring that dogs be leashed on Town open space.

After discussing the pro’s and con’s of the proposed policy, Council continued the item to allow for further review of the leash law provision prior to adoption to ensure its consistency with Town ordinances.

**11. Report by Town Manager - State Budget Update (Oral Report)**

Town Manager McIntyre said he would have a more detailed report once an analysis had been done of the recently adopted State budget. He said it was still too soon to tell what the exact implications would be for the Town.

**PUBLIC HEARING**

**12. Recommendation by Town Attorney – Amendments to Sidewalk Maintenance Ordinance**

*Second Reading and Adoption of Ordinance/Read by Title Only*

- a) An Ordinance of the Town Council of the Town of Tiburon Amending Chapter 24 of the Tiburon Municipal Code, Regarding Maintenance of Sidewalks

Council waived the Staff report.

Vice Mayor Fredericks opened and closed the public hearing. There was no public comment.

MOTION: To read ordinance by title only.  
Moved: Gram, seconded by Berger  
Vote: AYES: Unanimous

Vice Mayor Fredericks read, "An Ordinance of the Town Council of the Town of Tiburon amending Chapter 24 of the Tiburon Municipal Code, regarding maintenance of sidewalks."

MOTION: To adopt above ordinance.  
Moved: Berger, seconded by Gram  
Vote: AYES: Berger, Fredericks, Gram  
NOES: None  
ABSENT: Slavitz, Thompson

### **COUNCIL COMMITTEE AND COMMISSION REPORTS**

Councilmember Berger gave a brief report of a meeting he attended at the Donahue Building with the Landmarks' Society and J. Key regarding new proposals on the placement of the gallows wheels.

### **WRITTEN COMMUNICATIONS**

**Town Council Weekly Digest – July 18, 2003**

**Town Council Weekly Digest – July 25, 2003**

**Town Council Weekly Digest – August 1, 2003**

### **ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Vice Mayor Fredericks adjourned the meeting at 9:00 p.m., sine die, in honor of Town Artist Laureate James Yeh-Jau "Jimmy" Liu.

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ALICE FREDERICKS, VICE MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK