

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

At 6:00 p.m. on October 20, 2004, Mayor Fredericks informed the Council that the Town had been served with a lawsuit after the current agenda was posted and that discussion of the matter could not wait until the Council's next regularly scheduled meeting of November 3, 2004.

MOTION: To add the item to the Closed Session agenda as an urgency item.
Moved: Smith, seconded by Gram
Vote: AYES: Unanimous

Mayor Fredericks adjourned the meeting of the Council to closed session. The following litigation was discussed (in addition to the items listed below): Bloch v. Ginalski v. Town of Tiburon et al., Marin County Superior Court, Case No. CV042089.

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Section 54957)

Title: Town Manager
Town Attorney

CALL TO ORDER

Mayor Fredericks called the regular meeting of the Tiburon Town Council to order at 7:40 p.m. on Wednesday, October 20, 2004, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Fredericks, Gram, Slavitz, Smith

PRESENT: EX OFFICIO: Town Manager McIntyre, Town Attorney Danforth,
Director of Community Development Anderson,
Director of Public Works/Town Engineer Echols,
Director of Administrative Services, Town Clerk
Crane Iacopi

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Fredericks said that management evaluations and litigation had been discussed but that no action had been taken.

ORAL COMMUNICATIONS

None.

PRESENTATION

- Jt. Recreation Department Annual Report – Priscilla Tripp, Committee Chair

Ms. Tripp, current Chair and 20-year member of the Committee, gave a brief overview its history, along with current statistics. She said that interviews were underway to hire a new Jt. Recreation Director in the wake of Barbara Creamer's retirement after 15 years with the department.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – October 6, 2004
2. **Approval of Town Council Minutes** – October 9, 2004
3. **Recommendation by Chief of Police** – COPS Spending Program FY 2004-05
 - a) A Resolution of the Town Council of the Town of Tiburon
Approving the COPS Spending Program for FY 2004-05
4. **Recommendation by Planning Manager** – Appeal of Design Review Board Decision to Deny a Site Plan and Architectural Review Application to Modify Previously Approved Plans to Legalize Construction of an As-Built Addition to an Existing Single-Family Dwelling
Property Address: 100 Lyford Drive
Applicants/Appellants: Fred and Rhonda Soofer

Assessor Parcel No.: 58-222-14

- a) A Resolution of the Town Council of the Town of Tiburon Upholding the Appeal of Fred and Rhonda Soofer
5. **Recommendation by Town Manager** – Approve Funding for Public Fountain Project Artist Stipends
6. **Recommendation by Town Manager** – Budget Authorization and Amendment for alternate MERA Site Test

Councilmember Gram asked if the funding in Item No. 3 was for a new position. Chief of Police Odetto said that it was not, but rather a continuation of funding for the investigator position currently held by Sgt. Steve Hahn.

MOTION: To approve Consent Calendar Item Nos. 1 through 6, above.
Moved: Berger, seconded by Slavitz
Vote: AYES: Unanimous

REGULAR AGENDA

7. **Recommendation by Director of Public Works/Town Engineer** – Proposed Undergrounding of Utilities District – Accept Petitions and Boundary Map
 - a) A Resolution of the Town Council of the Town of Tiburon of Intention to Make Acquisitions and Improvements – “Hawthorne Terrace/Pilgrim Heights Undergrounding of Utilities Assessment District”

Director of Public Works/Town Engineer Echols gave the report, stating that the Town had received petitions in favor of undergrounding utilities from more than 60% of the affected properties in the proposed district. In addition, he said that sufficient subscription deposits had been received to allow the district to proceed with a preliminary engineering study.

Director Echols also referenced a “late mail” item received from Jay Jacobsen on behalf of several interested neighbors across Tiburon Boulevard who were interested in joining the Hawthorne Terrace/Pilgrim Heights District.

Echols said that it might be feasible to add the affected area as a “special zone” which would be treated independently with the costs spread among only those affected properties. He said that this might make more sense and noted that during the “boundary walk” of the proposed district, utility company representatives had stated that there was a different kind of high voltage equipment across Tiburon Boulevard in the proposed “special zone.”

Mayor Fredericks opened the public hearing.

Suzanne Smith, 159 Rock Hill Drive, neighborhood proponent, said that they had worked for over a year on the proposed district comprised of 88 homes. She said that she had attended the August 25, 2004 boundary walk with the utilities and had heard for the first time of the interest of people on Palmer Court etc. to join the district. She said that they would be happy to have them join the Hawthorne Terrace/Pilgrim Heights district but that because their assessed costs might be higher, the proponents would like them to be treated as a “subsection,” much like the Hawthorne “subset” of home that had been added to the Del Mar District.

Tom Kress, 3 Palmer Court, read Mr. Jacobsen’s letter to the Council. He stated that Kathleen Bailey, one of the organizers of the Hawthorne “subset” had led them to believe that they would be included in the larger district and had accepted subscription deposits on their behalf. He asked that the Council give the new group 60 days to try to join the larger district.

Mayor Fredericks closed the public hearing.

Council asked Staff to verify whether adoption of the resolution of intention would adversely affect the addition of a “special zone” to the district, and/or whether it would adversely affect the costs or progress of the existing district.

Based on his experience with the Lyford Cove Undergrounding District, Director Echols said that a special zone could be added to the district within the next 60 days without adverse effects.

MOTION: To adopt the Hawthorne Terrace/Pilgrim Heights Resolution of Intention
Moved: Slavitz, seconded by Smith
Vote: AYES: Unanimous

COUNCIL, COMMITTEE AND COMMISSION REPORTS

- Fireboat tour at Schoonmaker Marina, October 23 (Councilmember Smith)
- Addition of five nights in Spring and Fall 2005 for “Fridays on Main” (Vice Mayor Berger)

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – October 8, 2004

Town Council Weekly Digest – October 15, 2004

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Fredericks adjourned the regular meeting at 8:15 p.m., to the next regular meeting scheduled for November 3, 2004.

ALICE FREDERICKS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK