

TOWN COUNCIL MINUTES

CALL TO ORDER

Mayor Berger called the special meeting of the Tiburon Town Council to order at 5:45 p.m. on Wednesday, December 15, 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 Public Works/Town Engineer Echols,
Director of Administrative Services Bigall, Chief of
Police Odetto, Town Clerk Crane Iacopi

PHOTOGRAPH

Mayor and Town Council Photographs

- *Ark* photographer Diane Smith took the photographs at the end of the meeting.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – December 1, 2004
2. **Recommendation by Director of Administrative Services** – Pt. Tiburon Below Market Rate Units
 - a) Authorize Town Manager to Negotiate and Execute a Purchase Agreement – 2 Marsh Road
 - b) Authorize Town Manager to Sell 18 and 20 Marsh Road to Marin Housing Authority
3. **Recommendation by Town Manager** – Authorize Town Manager to Negotiate and Execute a Construction Agreement and Finance Agreement – 6 Greenwood Court and 11 Greenwood Court

4. **Recommendation by Town Manager** – Authorize Town Manager to Negotiate and Execute a Lease Agreement with ATT Wireless for Installation of a Wireless Facility at 1505 Tiburon Boulevard

Vice Mayor Smith asked for clarification of Item No. 3. Specifically, Smith asked Staff whether the Town would be protected in future if it entered into the proposed agreement.

Town Attorney Danforth commented that the agreement pertained to work on both the Town's easement as well as private property, and that both the Town's [drainage] facilities and those on private property were impacted. She said that the fact of the Town's cost-sharing of the repairs was a fact that could later be asserted by the private property owners but that it could not be used as an example of setting a precedent.

Councilmember Fredericks asked how this was different from some other drainage problems [on private property] within Town. Ms. Danforth replied that this was an unusual condition in that the [drainage] problem existed at the point at which the private facilities and the Town's facilities met; that although the drainage facilities on the private property were deteriorated and in need of repair, the downstream problem [in the Town's facilities] was actually aggravating the problem.

With regard to Consent Calendar Item No. 2, Town Manager McIntyre asked that Item No. 2 (b) be removed from the Consent Calendar for consideration at a meeting in January 2005. Council concurred.

MOTION: To adopt Consent Calendar Item Nos. 1, 2(a), 3 and 4.
Moved: Slavitz, seconded by Smith
Vote: AYES: Unanimous

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – December 3, 2004

Town Council Weekly Digest – December 10, 2004

Mayor Berger gave Council the “heads up” on the Council Committee Liaison appointments to be changed or reaffirmed in January.

Mayor Berger and the Town Manager noted that the January 5, 2005 Council meeting would be solely devoted to the presentation by the three artist finalists of the downtown fountain proposals.

Mayor Berger described the timeline: 7:00 – 7:50 p.m. Artist No. 1 – (30 minute presentation followed by 20 minute public comment period);
8:00 – 8:50 p.m. Artist No. 2 presentation and public comment;
9:00 – 9:50 p.m. Artist No. 3 presentation and public comment;

10:00 p.m. adjournment.

Mayor Berger said that Council would not be asked to vote or comment as the selection would take place at the first meeting in February, following 30 days of public viewing.

Councilmember Fredericks commended Staff for its extraordinary efforts in obtaining a grant (for the Trestle Glen bikeway) that was turned around in a 30-day period.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Berger adjourned the regular meeting at 5:55 p.m., to a holiday party at Servino's Ristorante.

MILES BERGER, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK