

TOWN COUNCIL MINUTES

CALL TO ORDER

Mayor Fredericks called the special meeting of the Tiburon Town Council to order at 6:20 p.m. on Wednesday, September 29, 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

REGULAR AGENDA

1. **Report and Recommendation from MERA Sub-Committee** – Authorize Continued Negotiation and Terms of Proposed Agreement for Substitute Site for Mt. Tiburon

The Council reached an informal majority consensus to proportion the cost between and the Town and Mt. Tiburon neighbors (2/3) and MERA (1/3), but felt that a flat offer amount was too generous and did not encourage MERA to engage in value engineering.

The informal majority concluded that a reasonable estimate of costs pertaining to relocation of the antenna (total capital as well as permitting costs) would be close to \$600,000.

Council gave direction to the Town Manager for the MERA Board meeting on September 30:

- Indicate the Council's interest in making a reasonable contribution toward relocating the antenna;
- Request a firmer, credible cost estimate for planning, building, operation and maintenance in order to give the Council better information on which to base a decision regarding a contribution amount.

Council also gave direction on other conditions of the continuing negotiations:

- Indemnification of MERA by the Town was not an option for either permitting issues, contract issues, tort liability or construction;
- The Town's flat contribution is a ceiling and Town would not pay for cost overruns;
- Limit on Town's responsibility for [new] lease in terms of both the percentage paid (if any), and duration of Town's responsibility for the lease;

- Other matters of concern to be explored at a future meeting.

Item continued to October 6, 2004.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Fredericks adjourned the special meeting at 8:00 p.m., to the regular meeting scheduled for October 6, 2004.

ALICE FREDERICKS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK