

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Berger called the regular meeting of the Tiburon Town Council to order at 7:35 p.m. on Wednesday, November 16, 2005, 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,
Chief of Police Odetto, Town Clerk Crane Iacopi

Prior to the regular meeting, beginning at 5:30 p.m., the Council met in closed session to discuss the following items:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION
(Section 54956.9(b))

Threatened Litigation by County of Marin

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Berger said that no action was taken on the item discussed in closed session.

ORAL COMMUNICATIONS

Pamela McDonnell Douglas, 32 year Tiburon resident, spoke about the dangers of crossing Tiburon Boulevard in the vicinity of Ned's Way. She also said that it was dangerous to turn left onto the Boulevard from Ned's Way.

Ms. Douglas said that she had been told that a signal light would be too expensive to install but she said that traffic was getting "thicker and thicker" in that area. She suggested that a sign showing a human figure be installed at the crosswalk to alert drivers to stop for pedestrians.

Vice Mayor Smith said that the Council was aware of the issues and that he had advocated for the signs; he also said that the Town had repainted and placed new signs in the area last year.

Chief of Police Odetto said that the Traffic Safety Committee would review the request.

RECOGNITION OF OUTGOING PLANNING COMMISSIONER WAYNE SNOW

Mayor Berger said that the Town had regretfully accepted the resignation of Commissioner Snow from the Planning Commission. He presented a plaque in recognition of his service on the Commission to Wayne's wife, Karen.

Mayor Berger asked for additional comments.

Planning Commission Vice Chair Jim Fraser said that he had first met Wayne when they were both members of the Parks and Open Space Commission. He said that Wayne had been a mentor to him on both the POSC and Planning Commissions and that he had appreciated his guidance.

Mr. Fraser said that he had also encountered Wayne while serving on the Skatepark Task Force. He said that Wayne was an "advocate for the community" and had always brought a "constructive perspective" to the process.

Fraser said that Wayne was a great colleague and friend and a credit to the Planning Commission and the Tiburon community. He presented a resolution adopted by the Commission to Karen Snow.

Karen Snow said that Wayne was extremely appreciate of the recognition but said that he had stated that he was the real benefactor through his service to the community. She said that he appreciated the good thoughts and wishes of everyone as he dealt with his illness and that he regretted not being here tonight.

Former Planning Commissioner Randy Greenberg also spoke highly of Wayne. In addition to the Planning Commission, she said that she had served with Wayne on the Marin Environmental Forum. Ms. Greenberg said that Wayne had volunteered as treasurer for that organization for many years and that he had brought extensive financial expertise to the group.

Ms. Greenberg said that she respected Wayne's "civilized manner" and "civilizing influence" and that he had never missed a meeting during her tenure on the Planning Commission.

Town Clerk Diane Crane Iacopi spoke on behalf of the Town Staff in acknowledging Wayne's spirit of volunteerism. She said that Wayne had over the years become a friend to many of the Town's staff and that he and his two daughters had helped out on projects, mass mailings and the like. She also said that his daughters, Sarah and Laurie, had both volunteered and served as paid camp counselors for the Jt. Recreation Department summer programs. She conveyed the

comments of Recreation Supervisor Dana Thor who had stated that she wished there were more families like Wayne's in the community.

Ms. Iacopi presented Karen with a sweatshirt for Wayne. She said that this sweatshirt was the same one that had been given to staff members of "Team Tiburon" by the Town Manager and that Wayne was an honorary member of the team.

Director of Community Development Scott Anderson said that he had had the pleasure of working with Wayne during his tenure on Parks and Open Space, Design Review Board, as well as Planning Commission. He said that Wayne was a wonderful asset to the community and was very good at presenting the community's perspective in matters before the commissions.

Vice Mayor Smith said that he too had served with Wayne on the Planning Commission but that he was most impressed by Wayne's ability to "balance his life" and that his family was so important to him.

Councilmember Fredericks said that she also appreciated Wayne's kindness and mentoring on the Planning Commission, as well as his "terseness" in some instances.

Mayor Berger said that Wayne was the guy who had "showed him the ropes" on the Design Review Board.

Karen Snow said that Wayne's true legacy was their two daughters, and that his kindness and other sensibilities had been instilled in them. She said that she would pass all of the remarks on to him.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – November 2, 2005
2. **Recommendation by Director of Administrative Services** – Accept Town Monthly Investment Summary for October 2005
3. **Recommendation by Planning Manager** – Denial of Appeal of Design Review Board Approval of Site Plan and Architectural Review to Construct new Single Family Dwelling at 77 Round Hill Road
 - a) A Resolution of the Town Council of the Town of Tiburon Denying an Appeal by Charles and Dale Sofnas of the Design Review Board Approval of Site Plan and Architectural Review to Construct a new Single Family Dwelling at 77 Round Hill Road – AP No. 58-301-36
4. **Recommendation by Mayor** – Amendment to Town Manager Employment Agreement

- a) A Resolution of the Town Council of the Town of Tiburon
Accepting a Beneficial Interest in a Deed of Trust to
Secure a Loan to the Town Manager
- 5. **Recommendation by Mayor** – Amendment to Town Attorney Employment Agreement
- 6. **Recommendation by Town Manager** – Tiburon Peninsula Chamber of Commerce 2005
Citizen of the Year
 - a) A Resolution of the Town Council of the Town of Tiburon
Commending Jim Mitchell upon his Selection by the
Tiburon Peninsula Chamber of Commerce as the
2005 Citizen of the Year
- 7. **Recommendation by Interim Director of Public Works/Town Engineer** – Notice of
Completion for South of Knoll Restroom
- 8. **Recommendation by Interim Director of Public Works/Town Engineer** – Award of
Contract and Budget Amendment to Televiser Storm Drains
- 9. **Report by Interim Director of Public Works/Town Engineer** – Pavement
Management Update

Town Manager McIntyre asked that Item No. 9 be continued to clarify information in the Staff report. Council concurred.

MOTION: To adopt Consent Calendar Item Nos. 1 – 8 above.
 Moved: Fredericks, seconded by Smith
 Vote: AYES: Unanimous

PUBLIC HEARING

- 10. **Recommendation by Planning Manager** – Application to Amend Hours of Operation
for St. Hilary Gymnasium (Conditional Use Permit)

Applicant: St. Hilary’s Catholic Church
 Address: 761 Hilary Drive
 AP No. 55-253-20 & 55-221-06

- a) A Resolution of the Town Council of the Town of Tiburon
Approving Modifications to the St. Hilary Church and School
Conditional Use Permit at 761 Hilary Drive
Assessor Parcel Nos. 055-253-20 & 055-221-06

Director of Community Development gave the report. He said that the Council had approved the Conditional Use Permit almost five years ago and that St. Hilary Church was requesting modification of several of the conditions of approval. The modifications would increase the hours for CYO use of the church gymnasium and eliminate the need for one morning traffic monitor.

On October 26, 2005, the Planning Commission adopted a resolution recommending approval of these changes to the Town Council, along with another modification that would allow the Planning Commission to review and modify permit conditions in the future without separate action by the Town Council. Director Anderson said that the CUP would not then come before the Council again except on appeal.

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

Vice Mayor Smith asked if the language of the resolution could be simply changed to state that “the planning commission shall have the authority...”. Director Anderson said that the intention was to allow the Planning Commission to have this authority by superseding the Town Council resolution that established the CUP; therefore, the Council needed to adopt a resolution superseding this resolution.

Councilmember Slavitz congratulated the St. Hilary representatives who were in the audience for working with the neighbors and for having done a good job in implementing the policies set forth by the Council.

Vice Mayor Smith echoed these comments and said that it was “great” to have a gymnasium at St. Hilary.

MOTION: To adopt resolution as presented.
Moved: Smith, seconded by Fredericks
Vote: AYES: Unanimous

REGULAR AGENDA

11. Report by Interim Director of Public Works/Town Engineer – Discussion of Fountain Plaza Conceptual Improvements

In the Director’s absence, Town Manager McIntyre introduced Pete Peterson, landscape architect who he said would present some ideas to the Council tonight and return with a more formal presentation.

Mayor Berger said that Mr. Peterson was a Tiburon native and was the architect responsible for the beautiful landscape design along the Multi-Use Path from San Rafael Avenue to the Belvedere Tennis Club.

Mr. Peterson noted that he was also a former Design Review Board member.

Mr. Peterson said that his first observation was that three of the trees on the fountain plaza were growing so differently (larger) than the other trees. In a photograph of the trees it was clear that they would block the view of the new fountain installation. One option presented by Peterson was to replace these trees with taller [palm] trees to open up this view. He also suggested that trees in planters could be utilized.

Mr. Peterson recommended saving the paving of the plaza; however, he recommended that the entire maintenance issue be reviewed. He said that it was important to keep the plaza a functional, viable public space.

Mayor Berger commented that the existing ficus trees were “water seekers” and might “go after” the pipes in the new fountain. He asked whether it would be appropriate to replace all the trees on the plaza.

Mr. Peterson said that it was not the species but rather the “flood irrigation” method of watering that created the growth of the three ficus trees. He said that this continued the trees would become “immense.” He said that other species, such as the maples planted by the Town on Main Street, were a smaller scale tree at maturity and might be better candidates for the location.

Councilmember Slavitz whether it was necessary to trees or planter boxes in the plaza. Mr. Peterson replied that people liked to stand next to something. He also said that a “vertical reference” could be created by planting palms in the plaza which would not block the storefronts and signage and could be seen a block away. This would create an “exciting destination” and would be different from other landscape in the downtown.

In response to another question from Councilmember Slavitz, Mr. Peterson said that it was possible to leave the other [ficus] trees in the other part of the plaza so that that portion could have a “different feel.” This area could be shaded, with benches, and more passive, giving the impression of two outdoor “rooms.”

Councilmember Fredericks agreed with the modification of the space and would said that she would leave the species selection up to the architect; however, she noted that the single palm in Pt. Tiburon was “iconic” and might be diminished with the addition of other palms.

Ms. Fredericks said that she felt strongly about the installation of seating in the plaza so that people could face each other. Mr. Peterson said that this was a good suggestion.

Mayor Berger said that one idea discussed at Friday Nights on Main was for permanent tables in the plaza, perhaps in the shaded area. Mr. Peterson said that could be discussed, as well.

Councilmember Gram said that he would like to see all of Peterson’s ideas and react to them.

Mr. Peterson asked about the fiscal “reality” of bringing back a comprehensive plan.

Vice Mayor Smith replied that this was an opportunity to improve the whole area with an overall plan and that the Council would be prepared to address any fiscal constraints.

Mr. Peterson said that he would return with a comprehensive plan for the fountain plaza improvements at a future meeting.

COUNCIL AND COMMITTEE REPORTS

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – November 4, 2005

Town Council Weekly Digest – November 11, 2005

Town Manager McIntyre referenced a letter concerning Halloween “incidents” in the Bel Aire neighborhood and said that the Tiburon police were working with the neighbors to address the issues.

Mayor Berger said that at the Mayor’s/Vice Mayor’s meeting the Belvedere and Tiburon Councils had agreed to take CERT (disaster preparedness) training.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Berger adjourned the meeting at 8:30 p.m., to the next regular meeting scheduled for December 7, 2005.

MILES BERGER, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK