

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Berger called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, February 2, 2005, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

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

EX OFFICIO: Director of Administrative Services Bigall, Town Attorney Danforth, Director of Community Development Anderson, Director of Public Works/Town Engineer Echols, Chief of Police Odetto

Prior to the regular meeting, beginning at 7:00 p.m., the Town Council met in closed session to discuss the following matters:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Section 54956(a))

Fenster v. Town Council, Planning Commission & Library Agency

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Section 54956.9(c))

[Property Dispute regarding Easement over a portion of 160 Gilmartin)

Initiation of Litigation – Case name(s) withheld because disclosure would jeopardize existing settlement negotiations

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
(Section 54956(b)(3)(C))

Name of Claimant: Kasey Boak, 1895 Mar West

ORAL COMMUNICATIONS

Mayor Berger thanked the Town Council and Staff for the sympathy cards and flowers sent due to his father's death.

ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Berger said that no action was taken on the matters discussed.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – January 19, 2005
2. **Recommendation by Director of Administrative Services** – Accept Second Quarter FY 2004-05 Financial Report
3. **Recommendation by Advance Planner** – Amend Solar Panel Policy to Comply with New State Legislation – *Continued from January 19, 2005*

Councilmember Fredericks read into the record proposed changes to the January 19, 2005 minutes.

MOTION: To approve the Consent Calendar as amended.

Moved: Smith, Seconded by Fredericks

Vote: AYES: Unanimous

REGULAR AGENDA

4. **Recommendation by Director of Administrative Services** – Lyford Cove Utility Undergrounding Assessment District Bond Issuance
 - a) A Resolution of the Town Council of the Town of Tiburon Authorizing Issuance of Limited Obligation Improvement Bonds

Director of Administrative Services Bigall reported that adoption of the proposed Resolution would authorize the issuance of Bonds for the purpose of constructing underground improvements in the Lyford Cove Utility Underground District.

Mayor Berger asked for comments from the public; there were none.

MOTION: To adopt the Resolution Authorizing Issuance of
Limited Obligation Improvement Bonds

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Unanimous

PUBLIC HEARING

5. **Recommendation by Fountain Plaza Committee** – Selection of Artist Finalist for Construction of Fountain in Downtown

Mayor Berger thanked all the members of the committee who worked on this project and to members of the community who took the time to comment on the proposed artwork. He noted the responses pointed to finding a location and funding for all three pieces, but the favored piece was “Coming Around”.

Councilmember Gram noted that in June 2004, the Council decided to take on the selection process of the downtown fountain after a previous attempt had failed to raise the necessary funds.

Gram said that he and Mayor Berger worked on the subcommittee consisting of Jim and Jean Dietz, Donna Klein, Katherine and Angelo Servino, Alex McIntyre, Georgia Kirchmeier, Mogens and Mary Catherine Bach, Laleh Zelinsky and Steve Sears. He then introduced Donna Klein of the Heritage and Arts Commission who was responsible for the comment box.

Ms. Klein reported there were 166 responses in the box and there was a clear majority who favored Coming About. She noted all the comments were very positive for all three artists.

Council questioned the artist, Jeffrey Reed, to see if there was any warranty he could provide to the moving parts of the artwork. He responded that he was willing to offer a 5-year warranty for the mechanism that allows the movement of the artwork. He then briefly discussed the lighting for the piece and said that he had a lighting consultant who could determine if fiber optic lighting was a possibility.

Mayor Berger opened the public hearing.

Former Mayor and committee member Mogens Bach noted that the committee was hoping that the opinion cards would make the decision easy, and noted that the “Sharks” fountain was a close second.

There being no further public comment, Mayor Berger closed the public hearing.

MOTION: To select the “Coming About” entry as the finalist for the downtown fountain plaza.

Moved: Gram, Seconded by Slavitz

Vote: AYES: Unanimous

6. **Recommendation by Town Manager** – Amendment to Town Code Pertaining to Taxicabs

Introduction and First Reading of Ordinance

- a) An Ordinance of the Town Council of the Town of Tiburon Repealing Chapter 11 of Title III of the Tiburon Municipal Code and Adopting a New Chapter 11 Regulating Taxicab Operation

Town Attorney Danforth reported that California Government Code requires the Town to adopt an ordinance regulating taxicab operations in the Town. She noted the ordinance before the Council proposed that the Marin County Street Light JPA Taxi Cab Regulation Program be the agency responsible for the Town's taxi cab regulations.

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

Mayor Berger closed the public hearing.

MOTION: To read the ordinance by Title Only

Moved: Fredericks, Seconded by Smith

Vote: AYES: Unanimous

Mayor Berger read, "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBUORN REPLEALINGBV THE EXISTING CHAPTER 11 OF TITLE III OF THE TOWN CODE AND ADDING A NEW CHAPTER 11 OF TITLE III REGULATING TAXICAB OEPRATIONS."

MOTION: To pass first reading of above ordinance.

Moved: Slavitz, Seconded by Smith

Vote: AYES: Slavitz, Gram, Smith, Fredericks, Berger

NOES: None

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – January 21, 2005

Town Council Weekly Digest – January 28, 2005

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Berger adjourned the regular meeting at 8:18 p.m., to the next regular meeting scheduled for February 16, 2005.

MILES BERGER, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK