

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Acting Mayor Gram called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, March 15, 2006 , in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Fredericks, Gram, Slavitz, Smith

ABSENT: COUNCILMEMBERS: Berger, Smith

PRESENT: EX OFFICIO: Town Manager McIntyre, Director of Community Development Anderson, Interim Director of Public Works Bernardi, Chief of Police Odetto, Director of Administrative Services Bigall, Administrative & Financial Analyst Stott, Project Coordinator Bassett, Town Clerk Crane Iacopi

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

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Section 54957.6)

Appointment of Heidi Bigall as Interim Town Manager

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Acting Mayor Gram said that no particular action was taken on the matter discussed in closed session.

ORAL COMMUNICATIONS

None.

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CONSENT CALENDAR

1. **Recommendation by Town Manager** – Appointment of Interim Town Manager
2. **Recommendation by Director of Administrative Services** – Amend Town Signature Authority
 - a) A Resolution of the Town Council of the Town of Tiburon Authorizing the Signing and Endorsing of Checks and Other Instruments of Payment & Access to Documents Retained in Safekeeping
3. **Recommendation by Town Attorney** – Approve Town Manager Separation Agreement

Town Manager McIntyre noted out that a more recent version of the item had been distributed than the one contained in the packet.

4. **Recommendation by Director of Administrative Services** - Authorize Budget Amendment for Retention of Ralph Andersen & Associates (Town Manager Recruitment)
5. **Recommendation by Town Manager** – Amend Management Resolution to Reflect Changes to Director of Public Works/Town Engineer Hours and Compensation
 - a) A Resolution of the Town Council of the Town of Tiburon Repealing Resolution No. 29-2005 and Adopting an Amended Management Recognition and Incentive Compensation Program
6. **Recommendation by Town Manager** – Authorize Retention of Space Planner for Town Hall
7. **Recommendation by Director of Public Works/Town Engineer** – Approve Consulting Agreement with CSW Stuber Stroeh for Paradise Drive Study and Authorize Budget Amendment
8. **Recommendation by League of California Cities** – Support Constitutional Amendment to Ensure State Sales Taxes on Gasoline Go to Fund Transportation Improvements
 - a) A Resolution of the Town Council of the Town of Tiburon Supporting a Proposition 42 “Fix “
9. **Recommendation by Mayor** – Recognition of Outgoing Town Manager Alex McIntyre

- a) A Resolution of the Town Council of the Town of Tiburon
Recognizing and Commending Alex D. McIntyre for his
Distinguished Service to the Town of Tiburon

10. **Recommendation by Director of Public Works/Town Engineer** – Authorize Retention of Pedersen Landscape Architects to Prepare Plans and Specifications for Redesign of Fountain Plaza

MOTION: To adopt Consent Calendar, as amended.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous
ABSENT: Berger, Smith

Acting Mayor Gram took a moment to present a framed copy of Item No. 9 (Resolution) to outgoing Town Manager McIntyre. Gram commented that he had been on the search committee when Alex was hired and that there was “no doubt” in the minds of the committee members about his selection.

Vice Mayor Gram said that the average tenure of a city manager in California was three years; that Alex’s five and a half years represented “two bonus years” for the Town. He wished Mr. McIntyre well in his new position with the County of Marin.

PUBLIC HEARING

Acting Mayor Gram read through the procedure of hearing the next item and asked for a report from the proponents.

11. **Recommendation by Director of Public Works/Town Engineer** – Formation of Lyford Cove Utility Undergrounding Supplemental Assessment District

- a) Project Summary. There will be a brief summary of the project and proposed financing by representatives of the proposed District and Staff.
- b) Public Hearing. Speakers will have three (3) minutes and will be asked to state their name, address and identify the property they own or represent within the proposed Assessment District.
- c) Submittal of Ballots. The Mayor will ask for the final submittal of ballots to the Town Clerk.
- d) Tabulation of Ballots. The Public Hearing will be closed and the Council will take a short recess to allow the Town Clerk time to open and tabulate the ballots.

- e) Results. Based upon the results of the balloting, the Town Council will then discuss the matter and determine how to proceed. If the Council decides to proceed with the formation of the Assessment District, it will adopt the following resolution:
- (i) A Resolution of the Town Council of the Town of Tiburon Ordering Changes and Modifications – Town of Tiburon, Lyford Cove Utility Undergrounding Supplemental Assessment District
 - (ii) A Resolution of the Town Council of the Town of Tiburon Adopting Engineer’s Report, Confirming the Assessment, Ordering the Work and Acquisitions and Directing Actions with Respect thereto – Town of Tiburon, Lyford Cove Utility Undergrounding Supplemental Assessment District

Interim Director of Public Works/Town Engineer Bernardi said that most of the information had been covered in previous meetings with homeowners and the Council.

District Engineer Joan Cox, Harris & Associates, noted changes to the supplemental report, since last reviewed by Council:

- Change to Asmt. No. 164 from [a potential] four dwelling units to three, due to actual conditions of the property. She said this reduced the amount of the assessment by \$2,122, but to all the parcels by approximately \$.03.

Acting Mayor Gram opened the public hearing.

Kate Dirksweiger, Mar East, referenced a letter received by residents concerning Proposition 218. Her question pertained to why the cost of “special benefits” received by some properties in the district were not by those properties.

Bond Counsel Scott Ferguson said that the engineer’s report apportioned the special benefits between all properties in the district, as a function of the assessment spread. He said that the provisions of Proposition 218 were not applicable in this case because the benefit derived was not to the community as a whole, but rather, just to the district.

Another resident commented that she had a friend in the Linda Vista area who would pay \$11,000 (to the district) even though her utilities were already underground.

Sandy L’Hureux, Mar East, asked how the people were selected who would count the ballots.

Town Clerk Crane Iacopi said that she would preside over the proceedings, and would be assisted by representatives from the engineering firm of Harris & Associates, who would compile

a computer print-out of the results. Acting Mayor Gram noted that the Town Clerk had no particular interest in the district.

Steve Patterson, owner of four units on Mar East, said that “dueling letters” had been circulating within the district and that people’s positions were becoming “entrenched” on both sides. He said that he viewed this as a public works project, one that had gone “out of control, and said that the Town Council must take a leadership position and not just “rubber stamp” the district.

Mr. Patterson said that at first the district had made sense but he now questioned the real benefits and cost overruns. He suggested that this might not be the right time to move forward.

Brad Bird, homeowner, encouraged moving forward with the district because it was “this close” to being realized. He noted the hard work and effort of all involved, including his wife. He said that this was a “forward-thinking community” and that the benefits would be worthwhile, such as more reliability of power and enhanced beauty of the neighborhood. Mr. Bird said that the time was now; that action should not be deferred another 20 or 30 years.

Hank Bruce, Paradise Drive, said that while he recognized the sentiment expressed by the previous speaker, he said that the process had been “shocking,” and said that the “train had gone out of control.”

Mr. Bruce said that he had lived in his home for 20 years and that it was not worth it to him to spend \$30,000 - \$40,000 for undergrounding. He urged the Council to “take care of the people in this town.”

Acting Mayor Gram closed the public hearing. He again called for additional ballots to be submitted. Several people returned their ballots to the Town Clerk

Acting Mayor Gram called for a brief recess to begin the ballot count, and notified the public that the Council would consider other items during this recess.

Acting Mayor Gram reconvened the meeting, after hearing Item Nos. 12 and 13.

Town Clerk Crane Iacopi read the results of the ballot tabulation: 59% in favor; 41% opposed.

Councilmember Fredericks said that she understood the disappointment of the residents when faced with a supplemental assessment. However, she commented that the costs “are what they are” and would have been the same, except for a small incremental increase due to selling supplemental bonds, whether or not they had waited for the bids to come in prior to the initial ballot.

Ms. Fredericks said that the majority had voted in favor and that she hoped that everyone could “live in peace” with the result. She said that she thought everyone would be happy with the outcome, once the district was completed.

Councilmember Slavitz also sympathized with the sentiments expressed. He said that in the final analysis, the district was a “grass roots effort” and that he felt obliged to go forward with the majority vote.

Acting Mayor Gram agreed. He said that the Council had previously stated that it would honor the vote and that the majority had spoken.

MOTION: To adopt resolution ordering changes and modifications.
Moved: Slavitz, seconded by Fredericks
Vote: AYES: Unanimous
ABSENT: Berger, Smith

MOTION: To adopt resolution adopting the engineer’s report, confirming the assessment, ordering the work and acquisitions and directing actions with respect thereto.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous
ABSENT: Berger, Smith

The following items were heard during the ballot tabulation recess.

REGULAR AGENDA

12. **Recommendation by Interim Director of Public Works/Town Engineer – Removal of Additional Trees at Downtown Fountain Plaza (scheduled for Replacement per new Conceptual Landscape Plan) to Accommodate Installation of Fountain Utilities**

Interim Director Bernardi said that at its last meeting, the Council had endorsed the plan to remove and replace the remainder of the trees in fountain plaza with a more “hardscape friendly” species. Bernardi said that the landscape architect was drawing up plans and specifications, and which would also include a recommended replacement species, however, he said that in order to stay on schedule and install the necessary utilities for the fountain installation, the trees had to be removed .

Acting Mayor Gram opened the matter to public comment. There was none.

Acting Mayor Gram closed the public hearing.

Councilmember Slavitz said that he agreed with the recommendation, as the trees were in line for replacement anyway.

MOTION: To authorize removal of additional trees, as recommended.
Moved: Slavitz, seconded by Fredericks
Vote: AYES: Unanimous

ABSENT: Berger, Smith

13. **Recommendation by Director of Community Development** – Consider Recommendations of Ad Hoc Committee on the Organizational and Operational Review of the Community Development Department (Matrix Report) and Authorize Budget Amendments

Director Anderson said that the Council had received the report at its February 15 meeting and had also appointed an ad hoc committee to further study the recommendations contained in the report.

Mr. Anderson said that the committee met on March 8 and had reviewed the 19 specific recommendations, along with a prioritization table prepared by staff. Anderson reported that the committee found that all of the recommendations had merit and were directed toward improving service to the public and customers where it was most needed. He said that the committee also agreed with the prioritization put forth in the table.

Director Anderson recommended that the Council adopt the recommendations of the committee, as put forth in the Matrix Report, and also to authorize a budget amendment in the amount of \$14,000.

Councilmember Slavitz asked whether there as a timeline for implementation, for instance, by September. Director Anderson said that in some instances implementation would be immediate, but that some would have to wait until the Assistant Planner had been hired and workloads could be reallocated.

Acting Mayor Gram opened the public hearing. There was no public comment. Acting Mayor Gram closed the public hearing.

Councilmember Slavitz said that he was on the committee and endorsed the recommendations.

MOTION: To adopt recommendations and budget amendment, as presented.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

ABSENT: Berger, Smith

COUNCIL AND COMMITTEE REPORTS

Councilmember Fredericks reported that the Short-Term Transportation Plan for Local Bus Service had been released, and that one of the findings was that the Line 15 earliest morning “run” for ferry service was underutilized and was slated for phase out after one year.

Fredericks said that public outreach could be undertaken to boost ridership. She also noted that she was working with Supervisor McGlashan and the cities of Mill Valley and Sausalito on a

local shuttle service, which might prove to be an alternative.

Town Manager McIntyre said that there was a special Council meeting on Monday, March 20 at 7:00 p.m.; also that the Executive Recruiter would meet with Council next week on the Town Manager recruitment process.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – March 3, 2006

Town Council Weekly Digest – March 10, 2006

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Acting Mayor Gram adjourned the meeting at 8:45 p.m., to the next regular meeting to a special meeting scheduled for March 20, 2006.

TOM GRAM, ACTING MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK