

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Slavitz called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, October 19, 2011, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Collins, Fraser, Fredericks, O'Donnell, Slavitz

PRESENT: EX OFFICIO: Town Manager Curran, Town Attorney Danforth, Director of Administrative Services Bigall, Director of Community Development Anderson, Director of Public Works/Town Engineer Nguyen, Police Chief Cronin, Town Clerk Crane Iacopi

Prior to the regular meeting, the Council met in closed session, beginning at 6:00 p.m., to discuss the following:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)

Koffman v. Town of Tiburon

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Section 54957)

Title: Town Attorney

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Slavitz said that there was no action taken in closed session.

ORAL COMMUNICATIONS

Local representatives of Marin Village spoke and described the services and benefits of this nationwide network to help seniors age in place. They invited the Council to attend a reception to

launch the "Tiburon Peninsula Village" on Sunday, October 30 from 4 – 6 p.m. at the Belvedere Community Center.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of August 23, 2011 Special Meeting (Town Clerk Crane Iacopi)
2. **Town Council Minutes** – Adopt minutes of September 7, 2011 Regular Meeting (Town Clerk Crane Iacopi)
3. **Town Council Minutes** – Adopt minutes of October 5, 2011 Special Meeting (Town Clerk Crane Iacopi)
4. **Employee 25th Year Anniversary** – Adopt resolution recognizing Public Works Foreman John McKelvie on his 25th anniversary of service to the Town of Tiburon (Director of Public Works/Town Engineer Nguyen)
5. **Downtown Circulation and Parking Study** – Authorize Town manager to execute a contract with Nelson-Nygaard for consulting services related to a Downtown Circulation and Parking study in an amount not to exceed \$45,000 (Town Manager Curran/Director of Community Development Anderson)
6. **Wireless Communication Facilities Amendment** – Consider amendment to Title IV, Chapter 16 (Zoning) of Town Code to create an additional exemption from the Conditional Use Permit Requirement for Wireless Communication Facilities (WCFs) – (Planning Manager Watrous) – *Final adoption of ordinance continued without discussion from the September 7 and October 5, 2011 regular meetings*

Councilmember Collins asked to remove Item No. 3 from the agenda and made corrections to page 15 of the October 5, 2011 minutes. Councilmember Fredericks also corrected a statement on page 15 of the minutes and noted that the Library had requested a change to page 9 of the minutes. Town Clerk Crane Iacopi said that the Library had submitted its changes and that all the changes would be incorporated into the final draft.

MOTION: To approve Consent Calendar item Nos. 1 through 6, as amended.
Moved: Fredericks, seconded by O'Donnell
Vote: AYES: Unanimous

///
///
///

ACTION ITEMS

1. **Belvedere-Tiburon Public Library Expansion Project** – 1501 and 1505 Tiburon Boulevard; Consider Applications for General Plan Amendment, Rezoning, and Amendments to the Point Tiburon Master Plan and Point Tiburon Precise Plan and Take Related Actions Associated with a Proposed 17,000 Square Foot Addition to the Existing Library Facility (Director of Community Development Anderson) - Public Hearing Closed: *Consider Adoption of Three Resolutions and Three ordinances related to the Project*

Mayor Slavitz said that the public hearing on the matter had been closed and that the Council would continue its deliberations tonight.

Director Anderson gave the staff report. He said that at its October 5, 2011 meeting, the Town Council held a public hearing on this project, closed the public hearing, voted to certify the environmental impact report for the project, and held first reading of ordinances rezoning properties and amending the Point Tiburon Master Plan map. He said the item was continued to the regular meeting of October 19, 2011 in order for the Town Council to continue its deliberations on the library expansion applications to resolve some outstanding issues, as described in the written staff report.

The first issue was the scale of the building additions, which was mentioned most often by persons not favoring the project. The Planning Commission recommended that the Council consider the feasibility of reducing the size of the addition.

Anderson noted that the Town Council has the authority to reduce the size of the project to reduce environmental impacts and/or achieve consistency with Town goals and policies, including those protecting scenic views, the small-town village character of Downtown, and appropriate scale and bulk of buildings. He recommended that any such direction be of sufficient specificity such that the applicant will have a high degree of confidence that only minor refinements would be required during review of subsequent detailed site plan and architectural drawings.

The second issue was the significance of the view blockage of the ridge. In certifying the EIR, the Town Council postponed a determination as to whether the visual blockage of the Tiburon Ridge from Tiburon Boulevard would be a significant and unavoidable impact of the project. Anderson described the three options for the Council as set forth in the written staff report.

Anderson stated the third issue was the wetland setback policy (OSC-20), and noted the two options laid out in the written staff report.

Anderson also addressed the issues regarding Town hall expansion and entryway concerns that had been raised at the October 5th meeting, summarizing the contents of the written staff report on those matters.

Mayor Slavitz asked if there were any questions of staff from the Council.

The Mayor asked whether an analysis of the pros and cons of Alternative B (design showing an expansion behind the existing building) and Alternative C (one-story design) could be provided.

Director Anderson said that no document provided a direct comparison of these two alternatives, although the EIR compared both alternatives to the original project in terms of impacts. He said this comparison included an analysis of three building alternatives (B, C, and D), as well as the No Project Alternative, which was Alternative A.

Anderson described the three "build" alternatives, and stated that Alternative B envisioned a second building behind the existing library, connected over the sewer easement by a corridor, with 62 parking spaces being provided. According to Director Anderson, Alternative C was a one-story alternative with the top floor of the originally-proposed project "lopped off" and the square footage cut in half; Alternative D would shrink the building and move it away from Town Hall, move parking farther away from the Marsh, and would provide a 50-foot setback from the Marsh. Anderson said the Library had subsequently agreed to make this design (Alternative D) its project.

Director Anderson said a table existed in the revised Draft EIR comparing the original project to each alternative in terms of impacts, but that there was no similar comparison between all the different alternatives themselves.

Anderson reviewed the pros and cons of Alternative B ("courtyard scheme") to Alternative D. He said on the "pro" side, it would eliminate the impact of view blockage from Tiburon Boulevard and provide more parking, but that there were CEQA downsides in that it would be closer to the marsh and would increase water quality impacts through increased grading. The EIR concluded that the biological impacts from Alternative B would be significant and unavoidable.

From a policy standpoint, Anderson said that while Alternative B improved General Plan consistency with preservation of scenic views and provided ten more parking spaces, it would conflict with the Downtown Element policies regarding design and site layout that encourage buildings near the street with parking hidden behind. He also said that the Library Agency had indicated that the two-building design in Alternative B was functionally inferior.

Vice Mayor Fraser asked if there were any guidelines or standards concerning the distance between handicap parking spaces and the front entry of a building. Director Anderson said that he was not aware of any. He added that these spaces needed to be the closest ones to the building; also, that staff had not evaluated distance issues in context of this application.

Councilmember Collins said he was concerned about the impacts on the biological resources in Alternatives B versus D. He asked what the impacts of Alternative B were based on 50 or 100-foot setbacks.

Director Anderson said the EIR compared the original project with the alternatives and that the original application came within 25 feet of the wetlands area. He said that Alternative B was still closer than Alternative D, and that as a two-story building, the biologist said it would have even more impacts on the marsh, (such as the creation of shade, that were not associated with an at-grade parking lot.

Councilmember Collins said that the EIR recommended a 50-foot setback and he wondered if that would be applied to Alternative B. Director Anderson said Alternative B, as analyzed in the EIR, encroached closer than 50 feet to the Marsh shoreline.

Councilmember O'Donnell commended the Library applicants for its fantastic presentation, as well as all the people who had written letters commenting on the project. O'Donnell said that he supported the Library expansion plans and Alternative D, but acknowledged that there were outstanding issues.

O'Donnell said that there were two points of view about the issue of view impact. He said that he considered the view of the Old St. Hilary open space to be a "fleeting view" experienced by walkers, joggers, and drivers passing the site, and that it was not view blockage pertaining to a residence or business. He said that the view would be enhanced for users of the library, and that the design (Alternative D) would still leave a view corridor, and that there would be an enhanced view from the parking lot at the rear of the building as well. O'Donnell said he viewed this as a "trade-off" to view blockage.

Councilmember O'Donnell said that there were ancillary issues associated with the project, namely the traffic light mentioned in the EIR. O'Donnell said that he would like to put a rotary (roundabout) at the intersection of Mar West and Tiburon Boulevard that would force cars to slow down at this busy intersection and would have the added benefit of creating a "bookend" in the downtown with the other roundabout located at Tiburon Boulevard and Paradise Drive.

With regard to parking, O'Donnell said that the Library and the Town should take a look at the lot next to Town Hall and see what can be done to acquire parking in that location. He said there might be an opportunity for a change in ownership and that it would not only provide more parking, it would provide a "green space" that would help mitigate the loss of views.

Councilmember O'Donnell said that the handicap spaces in the proposed parking lot for Alternative D were not sufficient for access to Town Hall. He recommended that the spaces go in front of Town Hall, along Tiburon Boulevard.

With regard to encroachment to the marsh, O'Donnell said that he concurred with the Planning Commission's analysis that a 50-foot setback was adequate and that even a small separation wall might be appropriate.

As for square footage and programming inside the Library, O'Donnell said that it should be left up to the Library Board and its director to figure out. He said he was in favor of the two

commercial establishments inside (a bookstore and a café) and that they made sense and would enhance the atmosphere of the newly established plaza. He recommended that the Council simply look at the exterior of the building and the building envelope.

O'Donnell commented on the perception of large scale and mass of the building. He said that the previous Council had approved roughly the same square footage, and had chosen Alternative B (expansion in the rear of the building). He said he liked it, too, however, he now favored the "civic plan". He noted that the General Plan that had been adopted since that previous review and that the General Plan favored parking behind the building. He said that current design of the civic plaza alternative needed some further discussion, and that maybe the mass and scale issues should also be discussed within Alternative D.

O'Donnell said that the forefathers had done a good job planning the Library and that the expansion was also necessary. He agreed with the sentiments expressed in Jim Levorsen's letter saying that the current planning should be thought of as future planning, for users 25, 50 and more years from now.

Councilmember Fredericks said she agreed with Councilmember O'Donnell. She said she also wanted to comment on the view issue and the issue of whether the design was consistent with the "village character" of the Town. She said the biggest concern expressed was view loss and she showed several videos she had taken as she walked past the current library in both directions. She said that the view gained from the [new] promenade would be a trade-off from the "momentary views" of drivers and walkers. She acknowledged that the way views are "perceived" by different people is diverse. But she said that the question was one of whether the view loss could actually be reduced by reducing the size of the library. She said that the views gained in the promenade could be used by the Council to support the findings of overriding consideration.

Councilmember Collins also commended the Library for its work and acknowledged the importance of libraries to his career and to society as a whole. Collins said that "we all get it" about the need for viable libraries, however, he said that he did not "see" the view issue in the same way as the previous speakers. He said the site of the library expansion was in the "wrong location" because of the view loss, primarily. He said he did not "buy" the argument of an enhanced view, and that the view corridor that would be created would resemble a tunnel. He said that the proposed walkway was "squeezed to a width of nine feet" at its narrowest place in the corridor, and that if there were trees in the promenade, as shown on some of the drawings, the view within the corridor would be blocked further.

Collins said that overall, he thought of the view loss as closer to 80% rather than 60%. He said he had concluded this by approaching Town Hall starting at 50 feet beyond the south end of the existing library building and viewing from there through the existing space between the buildings. He said this loss of view was significant and could not be mitigated. Collins also said he did not favor the idea of large building side-by-side with the smaller Town Hall. Councilmember Collins said Alternative B was better because it would not create view blockage and that the distance that it would encroach in the rear toward the Marsh could be mitigated.

With regard to parking, Councilmember Collins said there would not be enough parking added, even with mitigation measures. He said the Town would not approve a retail application that did not have enough dedicated parking and that the Town could not control what will happen in the lot next to Town Hall. He said that the Library application should only be approved subject to dedicated parking being ensured. He added that there were no statistics provided nor was a study performed as to how many people would visit the new, expanded library.

Councilmember Collins commented on the trash area behind Town Hall that currently takes up three parking places. He asked where it would be located in the new plans. The architect pointed out on the drawings that it would be located just off Mar West Street, in the new parking lot (at a greater distance from Town Hall). Collins also said he objected to the idea of Town employees having to park at the Beach Road Tennis Court lot and said there were only 20 spaces, some of which were full when he visited the site.

Councilmember Collins said that the Mill Valley Library had only four on-site parking spaces but that curbside and street parking in the immediate vicinity totaled approximately 60 spaces, and that there were additional public lots nearby.

As for size of the programming room, Councilmember Collins commented that by way of illustration, the Town Council Chambers was approximately 1,350 square feet; he said the new Library Community Room would be approximately a third larger, and that likewise, the size of the Children's area would be approximately one-third larger.

Councilmember Collins said that in his discussions with roughly 20 people, not one of them favored the size of this library expansion. He said he would not favor it unless the addition was in the back of the existing library where it would not "dwarf" the Town Hall, and such that there were no issues of parking impacts to the marsh or that would preclude any future expansions of Town Hall.

Vice Mayor Fraser echoed the good work done by the Library and concurred that reasonable minds could come to different conclusions. He said he was in favor of the expansion plan because it would be an enhancement to the community as a teaching and learning center, an informal gathering place, as well as all of the other existing services provided by the library. He said the expansion, however, it was a "matter of degree" and the goal should be to "strike a balance" and the Council should weigh the issues in accordance with the Town's General Plan (the Town's "Constitution"), the applicant's application, and the wishes of the community.

The Vice Mayor said that the Planning Commission did a stellar job in its review and he said the issues to be resolved were how to reduce the scale of the building, and how to preserve the views. Fraser said he was on the Parks and Open Space Commission and Planning Commission prior to his service on the Council; he said the single most important value expressed by the community was (first) its open space and (second) view preservation. He said that the view from the Library was "not just any view" but the view of Old St. Hilary, which was one of the five significant landmarks in the Town. He said he could not find a definition of "fleeting view"

anywhere in the Town's guidelines or General Plan and therefore could not use it as a measure. He said he appreciated the view every time he jogged by the buildings and said that the human eye had a "wider view" than a camera. He said that, in his opinion, "a view is a view is a view", and that "open space is open space". Vice Mayor Fraser also said that he didn't believe that the legacy of this council should be one where we eliminate the "view to Old St. Hilary's and the surrounding open space", one of Tiburon's five historic landmarks.

Vice Mayor Fraser asked whether a second story could be added on to the original, existing building. He said he had posed the question to a friend who was an engineer who said that an analysis would have to be done. He suggested that the Council might ask for such an analysis.

Vice Mayor Fraser said that perhaps with a new design, a solution could be found to address the issue of view blockage, as well as a solution to gain consistency with the Town's Downtown Guidelines and General Plan. He recommended against setting a precedent by blocking the view of a significant ridgeline and significant landmark.

Fraser concluded his remarks by seconding Councilmember O'Donnell's recommendation for a roundabout, and suggested that it be made a condition of approval of the project. He also said that more work needed to be done on the parking issues.

Mayor Slavitz echoed these remarks and those of the previous speakers. He congratulated the Library for its work on the application. He noted the importance of a library as an institution that takes a person from "the cradle to the grave." But Slavitz said it was clear that there were different points of view on the Council as to how to proceed with the expansion.

Mayor Slavitz said he favored the expansion but had concerns about the scale of the design. He said he loved the simpler, more subdued design of the existing building, where the roofline went from bigger to smaller. He said the proposed design went the other direction, from smaller to larger and amplified the mass and bulk with its height and dormers, especially on the right side. Slavitz said the design "needs to change" to become more subdued and to have a less "domineering" exterior. He said that he was only concerned with the exterior and not the interior [programming].

With regard to view loss, the Mayor said this was the subject of a huge debate 15 years ago when the library was built, and although it was not as substantial a loss to him as to others, he said that a new design might help restore the views. He said he would not recommend a specific alternative (such as Alternative C) but said that views from all angles and directions should be included. He said he agreed with the Planning Commission that the expansion would have a significant, unavoidable impact on views, which might be lessened with a new design.

Slavitz said he, too, was concerned about parking, especially if patrons of Town Hall are inconvenienced by a long walk. He also said that asking Town employees to park at the Beach Road lot was too far away.

Slavitz noted that the library expansion construction was “a ways off”, which might allow time to work out a parking arrangement or perhaps acquire a portion of the Abrams’ lot next to Town Hall. He said he was confident that more patrons would come to an expanded library, but then where would people park their cars? He said that there was not enough police to enforce limited-time parking.

With regard to distance to the marsh, the Mayor agreed with the Planning Commission’s comments regarding OSC 20, and said that the setback from the marsh should be a minimum of 50 feet.

Lastly, Mayor Slavitz said that he loved the idea of a roundabout at Mar West Street, but noted that it was ultimately a CalTrans decision.

Councilmember Fredericks commented on parking. She said that when she lived in Mill Valley, there was a lot of competition for parking near the library because of the school. She said that people would find places to park here even if there was extensive use of the library and that the patrons would “make this work” like they do in Mill Valley.

Fredericks also commented that the Library’s application was not just another development application but that of a public agency which provided a cultural benefit to the town. She said that it was open to all, with no fees or membership dues, and that all these things taken into account were values that could be part of the statement of overriding interest. She also said that the alternative plan being offered by the Library was consistent with the Town’s Downtown plan.

Councilmember O’Donnell said that a similar statement could be made about how open space is valued in the community. He said that the view in question was from thousands of different vantage points but that new vantage points would be gained from the promenade.

Mayor Slavitz asked for any further comments about Alternative B (two-story design).

Vice Mayor Fraser said that the question for the Library was how to get as much space as was needed without the impacts.

Glenn Isaacson, Library Project Manager, clarified that the Library had indeed consulted with a structural engineer who had stated that it was infeasible to put any more weight onto the existing building because of its floating foundation and how it was structured. He said it would be difficult enough to design a new foundation for the expansion.

Architect Jennifer Devlin, representing the Library, complimented the Council for its thoughtful consideration. She reviewed some of the elements of the two most favored alternatives. She said the one-story alternative, which would require a utility easement crossed over by a narrow bridge, would be closer to the wetlands, and would put the same mass in a different location. She said that having two distinct buildings created some inefficiencies and duplication of services.

Councilmember Collins asked for clarification of why two buildings were considered inefficient; he also asked whether the children's library section might be in a separate building. Ms. Devlin said that the latter might be possible.

Councilmember Collins asked if a smaller building had been considered, and to be moved farther away from the marsh. Ms. Devlin said no, but that such an idea would have to be carefully studied as to whether it would meet the programming needs of her client.

Mayor Slavitz said that the EIR gave the parameters to move ahead with the project and that design refinements could be made going forward. He asked how the mass could be reduced without sacrificing much needed space. He said it was remarkable the way the existing library took a 2nd story roofline and reduced it to a one-story on one side.

Councilmember Fredericks asked about whether the roofline closest to the street could be "tweaked" as suggested by her fellow Councilmembers. Ms. Devlin said that the roofline appeared taller in the drawing than it actually was.

Mayor Slavitz asked about ceiling heights. Ms. Devlin said that it was 10.5 feet on the first floor (in the proposed plans) with A/C and ductwork above, and that the plate height was 8.5 feet. Ms. Devlin's colleague, Andy Sohn, indicated that the elevation was 40 feet from grade.

Councilmember O'Donnell asked if the height could "match" the Town Hall; he also pointed out that there were disconcerting inconsistencies in the drawings. For instance, he said that some sheets of the drawings showed chimneys and balconies, while others did not.

O'Donnell wondered whether the solution might be to find a square footage that the Council was comfortable with, then look at the mass and scale. He noted that the previous Council approved a 17,000 square foot expansion and later had asked the Library to move it to the front.

Vice Mayor Fraser reiterated that the Council did not need to tell the Library how to plan its space, however, he thought that with most plans, prioritization of "need to haves" and "nice to haves" is always needed. He said he thought it would be difficult to just approve an amount of square footage, for that isn't really the real issue, the issue is overall size, mass, and view blockage. He recommended that the scale be reduced as a way to move forward with the project.

Councilmember Collins disagreed with the statement that the previous Council had asked that the expansion be moved forward (toward the street). He asked whether the Town had reviewed that application under CEQA.

Director Anderson confirmed that an initial study had been prepared for the 2004 library project.

He noted that the provision of additional on-site parking was a mitigation measure for that project, and that the location of such parking had never been finalized. He said the Library did not file any subsequent applications based on that 2004 approval.

Councilmember Fredericks said that the perception was that the Town had "adopted" the plan in 2004 and then the Library was "encouraged" to move forward with a design that would be more consistent with the General Plan. She said the Library's understanding was that it thought the new design was in the best interests of the Town.

Mayor Slavitz said that he favored the direction of Alternative B which would solve the view and mass issues, and provide parking, and seemed to only have the potential problem (for the Library) of obtaining an easement over the sewer line. He said that he did not like the other alternative because of its design of one continuous mass along Tiburon Boulevard.

Ms. Devlin said that while not committing to a reduction in square footage, the idea of "stepping down" the transition of the building to reduce the appearance of bulk and mass could be explored. She noted that the Library had already dropped 1,000 square feet from the recommendations in its needs assessment. She said she thought modifications could be made to the roofline but that a one-story design would be "extremely challenging" for the space needs of the Library.

Mayor Slavitz asked whether the Library was taking a fixed position on the need for 18,000 square feet. Mr. Isaacson said that between now and the design review hearing, the Library would consider all of its options.

Mayor Slavitz asked staff how much specificity it sought tonight from the Council. He said that two members seemed comfortable with the current application, two indicated that a smaller building would be preferable, and one member said that it should be located elsewhere.

Councilmember Collins clarified that if the view impacts could be reduced to less than significant, he would not oppose the expansion in the current location.

Vice Mayor Fraser agreed, stating that the view impacts needed to be less than significant in order to gain approval from the Council.

Councilmember Fredericks said that despite what her personal views of the issue might be, she still thought that it would be possible for the Council to make a statement of overriding consideration in the matter of view impact.

Mayor Slavitz asked if an intermediate meeting might be necessary before any action could be taken.

Town Manager Curran suggested the Mayor might wish to solicit the opinion of the Library as to whether it had received adequate direction to move forward with the project. Curran then summed up the Council's different viewpoints. She noted that four of the Council favored the Civic Center design, two were generally satisfied with the size and two less so. There remained an outstanding question of whether and how to reduce the scale, with or without a reduction in square footage. She said staff would return with findings to be adopted by the Council at the

November 2 meeting, and that the outstanding design issues would be addressed after the first of the year.

Town Attorney Danforth said that the Council needed to reach consensus on the outstanding issues itemized in the staff report and make findings. To clarify the record (in the event of legal challenge) she recommended that the Council find that it could not mitigate the view impact at this time and that accordingly, that impact was significant and unavoidable. She said that this would in no way "handcuff" the Council in its ability to do a thorough design review in the future. She offered the suggestion that the Council could give direction or make a condition of approval that the Library reduce the view impact at the design review stage of the project. She noted that the current applications before the Council were General Plan and Precise Plan amendments, rather than design approval.

Councilmember O'Donnell floated the idea of providing direction in the form of a reduction in square footage, suggesting a 5% reduction.

Mayor Slavitz said that simply reducing the size did not address all of the issues; he said it was in the Library's best interests to return to the Council with a new sketch or drawings showing mitigation of the some of the perceived problems with the current design.

Vice Mayor Fraser agreed that providing a "number" was improper direction, and that the scale of the building and the view of the open space had to be addressed by the Library.

Mayor Slavitz added that it did not feel right to take action on EIR matters before the design issues were fully addressed. Town Manager Curran recommended that the Council find a way to gain closure where it could it order to move forward.

Director Anderson recommended finding some closure on the issues stated in the staff report, in order to move forward on any of the other actions. The Town Manager suggested that the Council choose one of the three options laid out in the staff report regarding the significance of the view blockage issue.

Councilmember Collins asked if the Council could make a finding to require, rather than expect, the applicant to come back with a design that would remove the [view] issue.

Vice Mayor Fraser said that even the two EIR consultants had differing opinions about the view impacts. Director Anderson clarified that the consultants gave their opinions for two different project designs.

Town Attorney Danforth said that currently, the Council did not have a specific mitigation measure in place to resolve the view impact, so she recommended the more conventional practice of making the finding of significant and unavoidable impact, with perhaps additional language stating that the Council would expect the applicant to mitigate this impact.

The Town Council then voted unanimously to declare the visual impact significant and unavoidable, and to concur with the Planning Commission's recommendation that no amendment to Policy OSC-20 was required.

Director Anderson indicated that the Council discussions of size and scale contained adequate direction to return with a draft condition of approval in the resolution. Director Anderson noted that a majority of Councilmembers indicated that adequacy of parking was still a concern, and that there was a Council desire to explore a roundabout, or equivalent mitigation, in lieu of a traffic signal, at the Mar West Street intersection with Tiburon Boulevard. He also said it was noted that the Council wanted conditions of approval for the parking issues with regard to the amount of spaces, parking for patrons of Town Hall and staff, and nearby disabled parking. He said that the Town and the Library would attempt to address these issues for future project consideration.

Vice Mayor Fraser said it was important for the Town to focus on the roundabout regardless of what CalTrans warrants might imply. Councilmember O'Donnell agreed, stating that it was already a dangerous crosswalk for bicyclists and pedestrians, and that pedestrian traffic would surely increase in that vicinity, where the multi-use path ended.

Councilmember Fredericks asked if there was a way to make the crosswalk more obvious, since it was difficult to see because it was lower than roadway for eastbound car traffic. Director Anderson said that these matters could be looked at during design review.

In concluding the report, Town Manager Curran noted that there appeared to be four members of the Council who supported Alternative D, with further refinement.

The Council unanimously continued the item to November 2, 2011.

2. **Pension Reform** – Request of Councilmember O'Donnell, Tiburon's representative to the Marin County Council of Mayors and Councilmembers committee to study pension and other post-retirement benefit reform, for consideration of a Resolution in support of pension reform efforts (Councilmember O'Donnell, Town Manager Curran)

Town Manager Curran gave a brief report on the proposed resolution which she said was recommended by the MCCMC Pension Reform Committee, of which Councilmember O'Donnell was the Town's appointed representative.

Curran said that the resolution had been modified slightly to be relevant and specific to the Town of Tiburon and reflect the fact that the Town had already implemented some of the proposed recommendations. She also noted that the resolution sets forth ideas that might be appropriate for future Council consideration .

Councilmember O'Donnell gave an overview of the committee's work over a nine-month period. He said that each city and town in Marin was represented on the committee, along with some sanitary districts and other public agencies who were interested in the subject.

O'Donnell said that the issues discussed by the committee were not without controversy, such as how to measure current state pension fund liabilities. He said the committee decided to focus instead on three goals: 1) to summarize the issues facing public agencies; 2) to provide an actuarial analysis; and 3) to provide a toolkit for use by agencies moving forward.

He said that the draft resolution had been amended, as noted by the Town Manager, to reflect the fact that Town of Tiburon employees already contributed to their Cal Pers pensions. He said that two other items were added to the draft Tiburon resolution to 1) address the issue of a current GASB study which may require cities to fully account (fund) for their pension liabilities; and 2) the recommendation to explore other pension plan options such as social security and defined benefit plans.

Councilmember O'Donnell said that the point of the study and its recommendations was not to be punitive to employees; rather, he said it was to ensure that their pensions remained secure. He said that the current system placed the financial risk on public agencies and the taxpayers. He said it was difficult for many agencies to budget in the face of unknown [market] risks. He said the idea was to reduce long-term liabilities. He said that this was a significant issue state-wide and that the Town was in a better position than many agencies because it had put significant funding toward future liabilities.

Councilmember Fredericks said that the League of California Cities had prepared a report on the pension issue, as had the Marin Manager's Association. She asked why the idea was being floated (in the resolution) to consider moving employee pensions to Social Security when it was also at risk. She said this would shift the burden to a federal versus state-level taxpayer. She asked if there was any other professionally managed defined benefit plans other than CalPers.

Councilmember O'Donnell noted that Social Security is a defined benefit plan; he agreed that a defined contribution plan, managed professionally, was another idea to study.

Mayor Slavitz said that most private sector employers had chosen 401K plans as their defined contribution plans.

Councilmember Fredericks asked whether the resolution called for the elimination of "double-dipping". She said that it was an issue that riled people and had many different facets or definitions. Councilmember O'Donnell said that the proposed resolution called for suspension of the practice without being more specific as to the different forms.

Mayor Slavitz opened the public hearing.

Tony Hooker said that he was in the investment business and handled defined benefit plans. He said that the pension reform issue was enormously important and one only had to look at the City of Vallejo bankruptcy to see what could happen if it wasn't addressed.

Mr. Hooker said the Council's study of the issue was the right way to go and he commended the Council for its efforts. He said the points discussed were excellent and he recommended that the Town hire an outside consultant to accurately measure its liabilities under a number of different assumptions.

Mayor Slavitz closed the public hearing.

Vice Mayor Fraser commended Councilmember O'Donnell and the MCCMC committee for their work. Councilmembers Collins and Fredericks commended O'Donnell for a good and useful presentation.

MOTION: To adopt the resolution, as submitted.

Moved: Fredericks, seconded by Fraser

Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

None.

TOWN MANAGER'S REPORT

None.

WEEKLY DIGESTS

- Town Council Weekly Digest – October 7, 2011
- Town Council Weekly Digest – October 14, 2011

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 10:15 p.m.



JEFF SLAVITZ, MAYOR

ATTEST:



DIANE CRANE IACOPI, TOWN CLERK