

**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, February 16, 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, Management Assistant Troy Bassett, Director of Community Development Anderson, Planning Manager Watrous, 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 6:30 p.m., to discuss the following:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
(Subdivision (c) of Government Code Section 54956.9)

Claims relating to Del Mar Undergrounding Litigation

CLOSED SESSION ANNOUNCEMENT, IF ANY

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

ORAL COMMUNICATIONS

Patrick Hulsbus, Marsh road resident, complained of cars being driven too fast at the intersection of Marsh Road near the tennis courts. He asked that the Town “do something” about it. He said that he had spoken to Chief of Police about the problem.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of January 19, 2011 regular meeting (Town Clerk Crane Iacopi)
2. **Lyford Drive Parking Improvement Project** – Adopt resolution authorizing Town Manager to execute Cooperation and Funding Agreement with Tiburon Redevelopment Agency for project funding (Town Attorney Danforth)
3. **Automated License Plate Reader Project** – Adopt resolution accepting the work and authorize the filing of the Notice of Completion (Department of Public Works/Police Department)
4. **2312 Spanish Trail** – Adopt resolution granting an appeal of a site plan and architectural review approval for construction of a new, detached, two-family dwelling with a detached two-family dwelling exception and variance for reduced front yard setback – (Planning Manager Watrous)

Assessor Parcel No. 059-201-23
Owners: William and Joy Norris
Applicant: Roger Hartley
Appellants: Jerome Bernal, Shelley Brown, Celia and Ann DeMartini, Robert Harrison, Wallace Quinn, Dennis and Terry Schwakopf, Sue Zimmerman

5. **Housing Funds from Tiburon Redevelopment Agency** – Adopt resolution authorizing Town Manager to execute a Cooperation and Funding Agreement with Tiburon Redevelopment Agency for transfer of housing funds (Town Manager Curran/Town Attorney Danforth)

Councilmember O'Donnell asked to remove Item No. 4 from the Consent Calendar.

Town Manager Curran noted that revised resolutions pertaining to Consent Calendar Item Nos. 2 and 5 had been submitted to Council for its consideration.

MOTION: To approve Consent Calendar Item Nos. 1, 2, 3 and 5, as submitted.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Unanimous

MOTION: To approve Consent Calendar Item No. 4, as written.
Moved: Fredericks, seconded by Fraser
Vote: AYES: Collins, Fraser, Fredericks, Slavitz
NAYES: O'Donnell

PUBLIC HEARINGS

1. **Tiburon Tourism Business Improvement District (BID)** – Public Information meeting concerning proposed increase to assessment to lodging establishments within the Tiburon BID (Town Attorney Danforth)

Town Attorney Danforth gave a brief report. She stated that this was the second of four meetings about the proposed increase to the Tiburon Tourism BID assessment. She introduced Mark Essman of the Marin County Visitors and Convention Bureau. Essman said that the initial district was formed in 2008 and now the two hotels that formed the district sought an increase to the initial assessment. Mr. Essman said that Tiburon was the “crown jewel” of Southern Marin and that he looked forward to further promoting it.

Councilmember O'Donnell asked about some information in the written materials provided by the Visitor's Bureau, and whether the current expenditures were “working”. Mr. Essman said that in the current economy, the Bureau was “rolling with the punches” and that although they took in less revenue, they were able to make more of it. He said they looked forward to a rebound in the economy.

Councilmember Fraser noted that 62% of Bureau's expenditures were for “head count” in the written materials provided. He asked whether technology could be used more effectively in promotion. Mr. Essman said that the Bureau planned to use the “social network” more extensively since it was the primary way of reaching the 20- and 30-year old market. He also noted that all of the Bureau's promotion was done in-house and nothing was outsourced.

There were no questions from the public.

No action was taken by Council, as this was an information item only.

2. **Ned's Way Recreation Facility** – Review and consider for land use and zoning permit approval the site plan and architectural drawings for the Ned's Way Recreation Facility project and adoption of a Mitigated Negative Declaration – (Director of Community Development Anderson)

Assessor Parcel No.: 058-151-27
Address: 600 Ned's Way
Owner/Applicant: Town of Tiburon

Item No. 2 was moved down on the agenda to be heard after the CVS Pharmacy appeal.

3. **CVS Pharmacy** – Two appeals of Planning Commission decision to approve a conditional use permit to operate a drug store and pharmacy in a building previously occupied by a grocery store (Planning Manager Watrous)

Assessor Parcel No.: 058-171-88 & 89
Address: 1599 Tiburon Boulevard
Appellants: Cres Van Keulen, Neal Toft, Terry Hennessy and Patricia Goss
Applicant/Appellant: Armstrong Development Properties, Inc.

Planning Manager Watrous gave the report and detailed the appeal hearing procedure.

Mayor Slavitz asked a question about the review of the conditional use permit (CUP). Slavitz noted that the Planning Commission had approved the CUP with a 90-day and one-year review. He asked if these were one-time, or recurring, reviews.

Planning Manager Watrous said that the Planning Commission could schedule additional reviews as it sees fit, for instance, on a "complaint" basis, or maintain a continuing annual review.

Mayor Slavitz asked if the hours of operation set forth in the CUP could be changed, upon review. Watrous said that they could be.

Mayor Slavitz opened the appeal hearing to the first appellant, applicant CVS Pharmacy.

Josh Eisenhut, Armstrong Development, representing CVS Pharmacy, said that the applicant's appeal focused on the number of lanes and the hours of the drive-through, as well as the hours of delivery. He said that the applicant's light studies showed that there were no significant impacts from the proposed drive-through lanes, and that the acoustical studies showed that the noise would not exceed the Town's thresholds to the adjoining properties. He noted that Town staff had conducted their own study which showed that a "worse case scenario" of light pollution might occur with "older type" headlights and high beams on; he said this study did not include a new wall that CVS proposed to build. Nevertheless, Eisenhut said that even without this mitigating measure, the light levels were virtually non-existent. He said that only two condominiums would be affected, with a light level the equivalent of a 60-watt light bulb. Eisenhut said that CVS was willing to work with the Town to further mitigate the situation, if necessary. He also noted that the drive-through had been shifted 20 feet back toward Tiburon Boulevard, since the Planning Commission hearing.

Mr. Eisenhut said that the double drive-through was an essential part of the CVS business model. He said it improved pharmacy efficiency and customer experience by alleviating long wait times during pharmacy consultations. This would result in the same level of customer service, inside and out. He said that two lanes would have no impact on the Marsh properties and was not incompatible with nearby uses. He asked that the Council allow the two-lane drive through.

Eisenhut also said that the drive through hours should match the hours of operation for the store itself (7 a.m. to 10 p.m., not the 8:00 a.m. until 8:00 p.m., as approved by the Planning Commission). He said that this was important because the drive-through would be used by sick, elderly and disabled persons. He said and the intersection safety issues raised by residents could be addressed separately but noted that the studies had concluded that the light and noise impacts

were minimal. He also contended that the hours of delivery should match those already established in the Tiburon Municipal Code, both for fairness and ease of enforcement.

Before turning his report over to the acoustical engineer, Council had some questions for Mr. Eisenhut concerning the width of the drive-through lanes (24 feet; 12-feet each) and how close they would be to the building itself (possibly one foot away). Councilmember Collins also asked where a recycling facility might be located (inside the store, according to Eisenhut) and whether merchandise differed from store to store. Specifically, Collins asked what portion of the merchandise was made up of food items. Mr. Eisenhut said that the items stocked were primarily convenience food and comprised less than 20% of the floor space in an 18,000 square foot store.

Councilmember Fredericks asked about the possibility of adding or removing a second drive through lane at a later date. In response, William McDermott, Armstrong Development, said that adding another lane would be more difficult than removing one later because the engineering had to take into account the structural load on the roof and the installation of a pneumatic tube throughout the drive-through portion of the structure.

Paul Bollard, noise consultant for CVS Pharmacy, said he based his study on a similar site in Elk Grove. He said that they measured 53 decibels of noise at night from the Pt. Tiburon Marsh location. He said that 50 decibels would account for all aspects of noise such as stereo speakers, idling vehicles, etc., during the 7 a.m. to 10 p.m. hours of operations at the pharmacy. He said that these levels were under the Town standards of 60 decibels and also satisfied the CEQA requirements.

Councilmember Fredericks said that noise levels and how people actually perceive noise can be somewhat different. She asked how 50 plus 53 decibels could be less than 60. Mr. Bollard said that logarithmically, 50 plus 53 would equal 54.

Councilmember Fraser asked if there were any other CVS pharmacies with drive-through lanes in Marin County, or whether Elk Grove was the closest one. He also asked what percentage of business was done in the drive-through lanes.

Mr. McDermott said that the majority of the business was done in the store, and that they anticipated 25-30 cars per day which would comprise 10% of the business in the Tiburon location.

Mayor Slavitz opened the hearing to the second group of appellants.

Neil Toft, representing the Pt. Tiburon Marsh residents who comprised the second group of appellants, said they were not against CVS Pharmacy, rather, their primary concern was the drive-through. He also said that there were other issues surrounding the application, such as the failure to receive the public hearing notice, as well as an inadequacy of plans presented.

Toft said that the approval of a drive-through represented a precedent in Marin County for CVS stores. He said the drive-through would be a “boxy, tacked on” structure, requiring an elevating driveway, and that it would have prominent activity, lighting and noise from intercoms at night. He asked why this new element was necessary because many pharmacies now provided delivery services. He said that the neighbor/appellants concluded that the drive-through would constitute “blight” to the Beach Road area, and said that the Town’s General Plan while not restricting it, did not encourage this type of activity either.

Mayor Slavitz asked whether the drive-through would be automatically permitted to any future tenants. Planning Manager Watrous said any new tenant would be required to apply for a CUP, if it were a different use, and that if a new tenant did not need the drive-through, it would merely become an architectural “appendage” to the building. Mayor Slavitz asked whether a drive-through was required to have an overhang. Watrous said that this was not a building code requirement.

Appellant Cres Van Keulen added her voice to the traffic and pedestrian safety concerns in the area. She said that the corner at Beach Road next to the CVS driveway was not a safe area to add more vehicle traffic. She said that every Marsh resident had had “near misses” when walking in this area, and she said that the area was used by many more pedestrians, in addition to those living at the Marsh.

Van Keulen described how trucks would have to back into the loading dock with their “noses” stuck out into traffic in the same “blind spot” described by Ms. Hulsbus in public comment time. She said that the Pt. Tiburon Marsh fence had been knocked down several times in this area, and that the drive-through and delivery hours would be an additional traffic burden not currently in existence.

Mayor Slavitz pointed out that trucks previously made deliveries to this location when it was a grocery store; Ms. Van Keulen agreed but noted that cars exiting the drive-through lanes would create additional traffic into this intersection.

Appellant Terry Hennessy reiterated her support for the pharmacy and said that the Pt. Tiburon residents wanted to be “good neighbors”. However, Ms. Hennessy urged the Council to preserve the unique character of downtown Tiburon, stating that a drive-through would be inconsistent with planning for pedestrian access to downtown. She also said that a drive-through would set a precedent for future applicants. She said that in 2005, drive through restaurants were banned downtown, and that the only reason a drive-through was approved for the Bank of America in 1972 was that the Planning Commission was “too tired” after a long meeting to reject it. She said that if the CVS drive-through was approved, the “ugliest part” of the Bank of America would be replicated across the street.

Ms. Hennessy said that it was the duty of the Town Council to protect its residents and she urged the Council, even if it ruled against the Pt. Tiburon Marsh appellants, to at least uphold the hours of operation approved by the Planning Commission.

Appellant Patricia Goss said that she was well aware of noise generated by the grocery store usage in that location; she asked that the hours of truck deliveries be further reduced to 8 a.m. to 6 p.m.

Before opening the hearing to public comment, Council asked Planning Commission Chair Frymier for her comments.

Councilmember O'Donnell asked Frymier how the commission reached a decision on the one-stall versus two, drive through lanes. Chair Frymier said that the traffic estimates of 5-7 cars did not seem to necessitate two lanes.

Mayor Slavitz asked why one lane was approved at all. Chair Frymier said that the look and design of the drive through was discussed by the Commission which ultimately concluded that one would be superior on the site.

Chair Frymier also said that the commission took into account the needs of the community in its approval of the drive through. She said that the housing element of the General Plan projected a 75% increase in the elder demographic; she also said that many of the younger families preferred to go through the drive through when they had children in the car.

Councilmember Fredericks questioned the use of demographical statistics. She wondered what kind of disabled people might drive but not walk, and who these people were. Planning Manager Watrous said that the Planning Commission did not delve into this level of specificity; however, he said that all of the Commissioners identified segments of the community who would benefit from the drive through, including sick people who did not want to get out of their cars and go into the store.

Councilmember Fraser noted that of the 7 or 8 CVS pharmacies in Marin, none had drive through facilities.

Mayor Slavitz opened the hearing to the public.

Jackie Brown, Pt. Tiburon Marsh resident, said that trucks often showed up for deliveries earlier than specified, and then just sat and idled, played music on their radios, etc. She said that the Town's downtown consultant had stated that the Town would benefit from pedestrian-friendly design changes in the downtown area and that this seemed like the opposite direction. She said that the safety concerns in that location also spoke against approval of a drive through.

Michael Scippa, 36-year resident, now residing at Pt. Tiburon Marsh, agreed that it was great to be able to walk everywhere and enjoy the small-town "village". He questioned the decision to "rush" to find a tenant in that area in order to bolster sales tax revenues. Scippa said that the drive through was not in keeping with the small-town character, a vision shared by both Ed Zelinsky and his father, Fred. He said that CVS "needs to value what we value" and said that the concerns about light, noise, and traffic were real.

Mr. Scippa also expressed concern about alcohol sales, and whether they would be completed through “self” check-outs, and possible teen shop-lifting of alcoholic beverages.

Susan Schneider, Marsh Road resident, said she was in favor of the CVS Pharmacy, but not the drive through.

Ilse Gonzalez, Marsh Road, concurred with the “ugliness” of the drive through and the safety issues, as well as air quality issues from idling cars.

Virgie Serra, Marsh Road, said she was concerned at what type of business might follow CVS in that location if the pharmacy did not succeed.

TJ Lucas, Centro West, said she preferred having a drive through, and noted that she drove all the way to Walgreens in Mill Valley to use one. She said that it was the same thing as the drive through at Wells Fargo Bank, that it provided a convenience to residents; she stated that it was especially important to single mothers and parents who did not want to carry a baby inside.

Claude Perasso, Peninsula Road, noted the low number of cars projected by CVS that would use the drive through and said it would not be like “In N Out Burger” with a high volume; said that most CVS pharmacies did not have drive through facilities because they were “in-line” stores. Perasso stated that noise was not really an issue and that the existing line of trees in that location would block the light from car headlights. Mr. Perasso said that he could not emphasize enough what a convenience a drive through would be to the community; that it would lessen traffic on Tiburon Boulevard; in addition, he said it would bring more people downtown.

Chuck Rieff, Vistazo West, echoed the last speaker’s remarks. He said he was concerned that Tiburon was a “tough place to do business” because of the NIMBYism expressed; said that the Planning Commission had done a good job sorting out the issues and noted that the applicant had stated its willingness to work with the community. Rieff questioned the importance of the issue of safety that had been raised, and asked whether there had been accidents or incidents reported from use of the drive through at Bank of America.

Allan Bortel, the Reedlands, said that drive through facilities did provide benefits for families with sick children, and were more convenient than having the get kids in and out of car seats. He asked whether the drive through in that location might go the other direction to mitigate the headlight question.

Ken James, Marsh Road, said that headlights would be directly visible into his unit; he asked the Council if it wanted approval of a drive through as its “legacy”.

Mayor Slavitz closed the public hearing and opened the hearing to rebuttals by the appellants.

Mr. McDermott clarified that the eight CVS stores in Marin were existing stores “inherited” by CVS from Longs Drugs. He said that CVS was seeking drive-through opportunities for its stores. He reiterated how willing CVS was willing to work with the community and he said they would be willing to install traffic calming devices, signs and vegetation, among other things, in the Tiburon location. He said they would work with staff to more fully develop these plans. He said they would even be willing to limit the hours of delivery, as requested by the other appellants, but that the drive through was the most important aspect of their application.

McDermott said that, if approved, the applicant would construct and operate two drive through lanes and that after 90 days, they would be willing to eliminate one lane, if so directed. He said that the CVS drive through in Tiburon would be integrated into the facility and would be a lower profile than the Benicia store shown in the photos distributed by one of the speakers.

Vice Mayor Fraser said that he, too, loved “our village environment” and sought to maintain its character and charm. But he also said that the CVS business model made sense and asked if they would be willing to “soften” the design and possibly make it “fit” more into the community. Mr. McDermott said that it would be “our pleasure” to work with the Town to achieve this.

Mayor Slavitz asked for further exploration of a one-lane drive through and whether an extended canopy was actually needed. Mr. McDermott said that CVS still had to look at the structural and engineering components of the drive through.

Mayor Slavitz asked whether the drive through might be moved to the opposite side of the store. Mr. McDermott said that it was on a separate parcel of land and not within the CVS leasehold.

Councilmember Fredericks asked whether the one- or two-lane issue could be decided by the Design Review Board in its review of the application. Planning Manager said that it could not, because the CUP had to be established by the Planning Commission.

Mayor Slavitz asked whether the DRB could set the design parameters of the drive through, one lane or two. Planning Manager Watrous said that it could.

Councilmember Collins said that in his research he had determined that 10 out of 12 CVS stores with drive through facilities used a single lane.

Second appellant Terry Hennessy said that she appreciated the concessions made by CVS to delivery hours but said that CVS was denied a drive through by the City of San Rafael because the stacking lane would back up into traffic, and that they were also turned down in Novato for similar traffic safety concerns. She said the store parking lot had been “sinking for 40 years”; she said that noise and light were issues in the area which had a “bowl effect”; stated that if noise was not an issue, why was CVS willing to build a wall. She asked the Council to deny the CVS appeal and deny the drive; failing that, to keep the Planning Commission conditions in place.

Mayor Slavitz closed the appeal hearing at 9:28 p.m. and returned the discussion to the Council.

Councilmember Collins addressed safety at the Beach Road/Marsh Road intersection and asked the Town Engineer if the existing crosswalk might be moved to the other side of the intersection. The Town Engineer noted that the sidewalk ended in that location and did not extend onto one side of the intersection, but said it might be possible to make certain improvements.

Councilmember O'Donnell said that the project was very important, even critical, to the community as a whole, and that it represented a revitalization of increasing suburban "blight" of the downtown area. He said that CVS had been very accommodating to the community, and that everyone needed to have a stake in ensuring its success.

O'Donnell said that he had conducted his own "field test" with regard to lights and said that he concluded that the car headlights would have no effect on the adjacent residences. He said he had to wait in line at the Bank of America drive through and it started him thinking about the convenience of having two lanes; he said he would be willing to support the applicant's request for two lanes.

Councilmember O'Donnell acknowledged that the Pt. Tiburon Marsh residents did not receive the public hearing notice [due to the failure of mail delivery] but said that it was not a valid ground to deny the appeal because the hearings were well publicized.

O'Donnell said that CVS Pharmacy would not represent a change in use of the property and that there would be less impact from truck deliveries because there would be fewer, if any, refrigeration trucks. He said the application was consistent with the goals of the Tiburon General Plan and that the community had stated its desire for a pharmacy in town as long as he had lived here.

Councilmember O'Donnell said that he would support the applicant's request to keep the hours of delivery consistent with existing Town code, for fairness; he said it was an excellent application and would be good for downtown Tiburon.

Councilmember Fredericks said that CVS would also provide a benefit to the community as a place in town to buy sundries; she stated, however, that "many of us" buy on-line or use delivery services for other items.

Fredericks acknowledged the convenience of a drive through facility but said that the downside was an increased noise increment, as well as the creation of active commercial frontage on Beach Road in a "quiet corner" of downtown Tiburon. She said that she appreciated the concessions made by CVS, and acknowledged that the Planning Commission had done a good job in balancing the issues by limiting the hours of delivery.

Vice Mayor Fraser said that all the comments by both sides pointed toward a solution that would work well for the community. He said that two lanes in the drive through might be "one too many" and that CVS should look to the Carmel downtown in the way businesses there "matched" the community aesthetics and character. The Vice Mayor said that he would be in favor of

upholding the Planning Commission CUP approval, which included the one lane drive through, with an appropriate design.

Councilmember Collins concurred; he said that while he was personally not in favor of the drive through, it was important to balance the needs of the overall community for the convenience of a drive through. He said that the Planning Commission did a good job in balancing the issues. He said everyone wanted CVS to come to town, and that its business model included drive through facilities; he opined that one lane might even lessen the perceived negative traffic impacts.

Collins said that that the [lack of] notice was no longer an issue. He said that the application complied with the General Plan, that there were no variances, and that its use would have a lesser impact than the grocery store previously located on the site.

Mayor Slavitz agreed that the Council should find a solution that met the community's needs and the needs of the neighbors by limiting hours of delivery and use of the drive through. But he said the applicant's plans to him looked like a "big downtown" solution rather than a small town one. He urged the applicant to come up with a design that was a "Tiburon solution" with perhaps a lower profile drive through, not as wide as proposed, without the use of a large column, and to match the existing architecture of the building. He said that the CUP would be reviewed in 90 days, and again in one year, and that if problems with the drive through existed, it could be removed.

Councilmember O'Donnell said that site work still had to be done to determine the engineering of the drive through; he agreed that a "small town" look was ideal but recommended leaving the details of the design scheme to the DRB.

Councilmember Fredericks recommended some language along the lines of constructing the "minimum structure necessary" to provide for a drive through, if approved.

Mayor Slavitz concurred with this recommendation; he said he also wanted to ask the applicant to minimize lighting and to use tasteful signage in its design application.

Planning Manager Watrous asked if a motion was being formulated to uphold the Planning Commission approval with direction to the DRB to minimize the volume of the drive through, along with visual impacts, to fit with the building design, and with the addition of items listed on page 13 of the staff report that the applicant had expressed its willingness to construct.

Mr. Armstrong said the he appreciated the civility of the Council and the productive conversation, although he still maintained that CVS wanted a two-lane drive through facility. Council indicated that it would not be willing to concede that point.

MOTION: To uphold the Planning Commission approval of the CVS Pharmacy application, with additional design direction to the Design Review Board, along with the improvements listed on page 13 of the staff report to be added to the conditions of

approval, along with amended hours of delivery as requested and agreed to by the appellants, and to direct staff to return to Council with two resolutions reflecting the above findings.

Moved: Fredericks, seconded by Collins
Vote: AYES: Unanimous

Mayor Slavitz returned to Public Hearing Item No. 2.

2. **Ned's Way Recreation Facility** – Review and consider for land use and zoning permit approval the site plan and architectural drawings for the Ned's Way Recreation Facility project and adoption of a Mitigated Negative Declaration – (Director of Community Development Anderson)

Assessor Parcel No.: 058-151-27
Address: 600 Ned's Way
Owner/Applicant: Town of Tiburon

Director of Community Development Anderson gave the report, stating that the application had been analyzed and found to be consistent with the General Plan and CEQA streamlining procedures. He recommended that the Council adopt the resolution adopting the negative declaration and mitigation measures.

Councilmember Fredericks asked about the hearing process and the extent of the notification of the surrounding neighbors. Anderson said that notices would be sent to property owners within 300 feet, per Town policy. This would include Chandler's Gate, the Hilarita, but would not extend as far as Spring Lane, according to the Director.

Fredericks asked about the size of the "V-6 soccer field" in the drawings. Management Assistant Troy Basset said this was a small, 15 x 30 field.

Mayor Slavitz opened the public hearing.

Allan Bortel, Reedlands, said he had walked the property and that it looked to him like an ideal site for the project as described. He said that it would enhance the town and would free up space at Town Hall, as noted in the staff report.

Mayor Slavitz closed the public hearing.

Councilmember O'Donnell said that he and Vice Mayor Fraser comprised the subcommittee for this project. He said that the space would be designed not just for after school programs for children at Reed School, but would also have increased programming capabilities for adults, as well. He acknowledged that detailed costs of the projects were not yet available, but he said that the Council could move forward with the streamlining procedures while waiting to evaluate the costs.

Town Manager Curran concurred with this analysis and said that staff would return some time in March or April with project costs, and estimated that the project could go out to bid in April. While this timeline would not allow for completion of the project by the beginning of the next school year, Curran said that an interim solution was being contemplated.

The Town Manager acknowledged all the time and hard work on the project to date by the team of staff and council members, architect Berger, and others. Nevertheless, Curran stated said that the Council could still “walk away from the project” after this juncture. Councilmember Fredericks added her thanks to the team on behalf of the Council.

MOTION: To adopt the resolution approving the project and adopting the negative declaration and mitigation measures, as written.
Moved: Fredericks, seconded by O'Donnell
Vote: AYES: Unanimous

4. **Repeal of Zoning Ordinance-Based Green Building Regulations** – Introduction and first reading of an ordinance repealing Article IX (Green Building) and related sections of Chapter 16 (Zoning) of the Tiburon Municipal Code; adoption of a resolution rescinding Green Building Standards from the current zoning-based system (Director of Community Development Anderson)

Council waived the staff report.

Mayor Slavitz opened the public hearing. There was no public comment. Mayor Slavitz closed the public hearing.

MOTION: To read the ordinance by title only.
Moved: O'Donnell, seconded by Fredericks
Vote: AYES: Unanimous

Mayor Slavitz read, “An ordinance of the Town Council of the Town of Tiburon repealing the Zoning Ordinance-based Green Building Regulations contained in Title IV, Chapter 16 (Zoning) of the Tiburon Municipal Code.”

MOTION: To pass first reading of the ordinance, as written.
Moved: O'Donnell, seconded by Fredericks
Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz
NAYES: None

TOWN COUNCIL REPORTS

- Marin Clean Energy Update (Councilmember Collins)

The Council accepted Councilmember Collins' written report, as submitted.

Councilmember Fredericks reported that at the League of California Cities Board meeting, an ad hoc committee was formed to study the future of redevelopment and to ensure that projects continued that would preserve jobs and create affordable housing in communities.

Fredericks also reported that the Transportation Authority of Marin (TAM) was in the process of organizing a Marin Sustainable Communities (SCS) ad hoc committee. She said that each member city was invited to designate a member of their governing body to serve on this committee which would provide a forum for consideration of the various proposals leading up to the final SCS proposal, pursuant to SB 375. Fredericks said she would be willing to represent the Town on this ad hoc committee. The Council concurred with her recommendation.

TOWN MANAGER'S REPORT

- Proposed participation in developing a kiosk for downtown

There was no Council consensus at this time for a monetary contribution to this project.

- Requested contribution to Walk Your History event


Council concurred with the Town Manager's recommendation to make a \$2,500 contribution to this biennial event.

WEEKLY DIGESTS

- Town Council Weekly Digest – January 21, 2011
- Town Council Weekly Digest – January 28, 2011
- Town Council Weekly Digest – February 4, 2011
- Town Council Weekly Digest – February 11, 2011

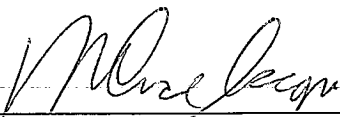
ADJOURNMENT

There being no further business before the Tiburon Town Council, Mayor Slavitz adjourned the meeting at 10:32 p.m. to a meeting of the Tiburon Redevelopment Agency (see separate minutes).



JEFF SLAVITZ, MAYOR

ATTEST:



DIANE CRANE IACOPI, TOWN CLERK