

**TOWN COUNCIL
MINUTES**

Prior to the regular meeting on Wednesday, January 20, 2010, the Council met in closed session, beginning at 5:30 p.m., to discuss the following:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Section 54956.9(a))

Bonander v. Town of Tiburon
Town of Tiburon v. All Persons Interested (Del Mar Valley Undergrounding)
Mostyn v. Town of Tiburon et al.

At 7:00 p.m., the Council adjourned from Closed Session and interviewed the following candidates:

INTERVIEWS FOR VACANCIES ON BOARDS & COMMISSIONS
(Planning Commission – Two Vacancies)

- Frank Doyle, 85 Round Hill Road – 7:00 p.m.
- Erin Tollini, 22 Raccoon Lane – 7:10 p.m.
- Lou Weller, 291 Blackfield Drive – 7:20 p.m.

CALL TO ORDER

Mayor Collins called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, January 20, 2010, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Collins, Fredericks, Fraser, 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, Chief of Police Cronin, Town Clerk Crane Iacopi

CLOSED SESSION ANNOUNCEMENT, IF ANY

Mayor Collins said that there was nothing to report from closed session.

ORAL COMMUNICATIONS

None.

PRESENTATIONS

- Commendation for Caltrans projects to be presented to District 4 Director Bijan Sartipi (Director of Public Works/Town Engineer Nicholas Nguyen)

Director Nguyen said that in the Fall of 2009, two projects were undertaken by Cal/Trans that had improved the safety and accessibility of the East Blithedale on-ramp from Highway 101, as well as the repaving of Tiburon Boulevard (Highway 131). Nguyen said that both projects had been completed without significant disruptions to the Town and had greatly enhanced the access onto the peninsula for residents and visitors alike.

Director Nguyen recommended that the Council adopt a resolution commending the men and women of Cal/Trans for their successful completion of the projects.

Nguyen introduced Chief Deputy Director Don McElhinney of Cal/Trans. Mayor Collins read the resolution and presented it to Mr. McElhinney.

Mr. McElhinney thanked the Council and accepted the resolution on behalf of Director Bijan Sartipi and members of the Cal/Trans team. He introduced the team members who were in the audience.

Mr. McElhinney said that they were “always on alert” for ways to improve projects and ensure that the projects made sense in the community. He said that they had enjoyed working with the Tiburon team, including Director Nguyen. He said that the Tiburon Boulevard project was “not quite done,” and that there were still some touch-ups to be made.

- Annual Report by Marin/Sonoma Mosquito & Vector Control District (Town Representative Roger Smith)

Col. Smith reported that the district had experienced another successful year. He said that there was very little evidence of any disease in California and none in Marin or Sonoma counties had been reported. Smith said that the district had responded to 269 calls from Tiburon, many concerning mosquitoes and yellow jackets.

Smith said that the district was providing a new service to other districts in the area, in

conjunction with Sonoma State University. He said this service was an analysis of DNA from birds and other vectors for the West Nile Virus.

Councilmember Slavitz asked if the district had dealt with the issue of the Light Brown Apple Moth. Smith said that it was not considered to be a “vector,” at least by the district, so that they could not address that issue.

Councilmember Fredericks asked about any threat of avian flu. Smith said that is was not a disease carried by mosquitoes and therefore was outside their purview. However, he noted that mosquitoes did carry West Nile virus, encephalitis, and malaria.

The Council thanked Col. Smith for his continued representation of the Town on the district board.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of January 6, 2010 regular meeting (Town Clerk Crane Iacopi)
2. **Town Audit Report** – Adopt report for FY ending June 30, 2009 (Director of Administrative Services Bigall)
3. **Ridge Road & Reed Ranch Road Overlay Projects** – Adopt resolution accepting projects as complete and authorize filing of Notice of Completion (Director of Public Works/Town Engineer Nguyen)
4. **Appreciation for Caltrans Projects** – Adoption resolution commending Caltrans for the East Blithedale widening and Tiburon Boulevard Overlay projects (Director of Public Works/Town Engineer Nguyen)
5. **Community Choice Aggregation State Ballot Initiative** – Resolution opposing state ballot initiative entitled “California Taxpayers Right to Vote” which would require a 2/3 vote to form or expand a Community Choice Aggregation or Municipal Utility (Town Clerk Crane Iacopi)
6. **Amendments to Building Code** – Adopt Ordinance amending Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code (Director of Community Development Anderson)
7. **Amendments to Leaf Blower Ordinance** – Adopt Ordinance repealing Title VI, Chapter 30 (Leaf Blowers and Hedge Trimmers) of the Tiburon Municipal Code, and creating a

new Title VI, Chapter 30 (Leaf Blowers and Hedge Trimmers) (Director of Community Development Anderson)

8. **Grand Jury Report on Marin Energy Authority** – Adopt Town’s response to December 2009 report (Town Attorney Danforth)
9. **League of Women Voters** – Adopt proclamation in honor of the League of Women Voter’s 90th Anniversary (Town Clerk Crane Iacopi)

MOTION: To adopt Consent Calendar Item Nos. 1 through 9, as written.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous

ACTION ITEMS

1. **Appointments to Boards and Commissions** – Consider appointments to fill Planning Commission Vacancies (Town Clerk Crane Iacopi)

The Council waived the staff report.

Councilmember O’Donnell said that he was impressed with all three candidates interviewed by the Council for the two vacancies on the Planning Commission.

He said he would move to appoint Frank Doyle to the Planning Commission, noting his years of service on the Design Review Board and his involvement with the Town. He also said that he would support the appointment of Erin Tollini to the second opening on the Commission.

O’Donnell said that he would support the appointment of Lou Weller to the Design Review Board. Mayor Collins concurred, stating that he found it to be a good learning curve in preparation for his own service on the Planning Commission.

Councilmember Fredericks said that Mr. Weller’s background would lend itself well to the more complicated issues of the applications that might come before the Planning Commission in the development of the Tiburon Boulevard and downtown areas.

Councilmember Fraser said that the Design Review Board would also be involved in any applications pertaining to the downtown area. Councilmember O’Donnell added that service on the DRB was a good way to get to know the Town.

Mayor Collins opened the public hearing.

He asked Mr. Weller whether he would also be interested in a position on the Design Review Board. Mr. Weller said that yes, he would.

Mayor Collins closed the public hearing.

Mayor Collins noted that an appointment to Design Review Board was not on the agenda for this meeting and would have to be placed on a subsequent agenda.

MOTION: To appoint Frank Doyle to the Planning Commission.
Moved: O'Donnell, seconded by Slavitz
Vote: AYES: Unanimous

MOTION: To appoint Erin Tollini to the Planning Commission.
Moved: O'Donnell, seconded by Slavitz
Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

Councilmember Fredericks reported that the League of California Cities had received an official title and summary for a state ballot measure that would prohibit further shifting, borrowing, restricting, or reallocating of funds from local governments.

TOWN MANAGER'S REPORT

Town Manager Curran said that she was contemplating cancellation of both meetings in February due to travel schedules of the Mayor and Council. She said that a meeting could still be scheduled, if necessary. Council concurred with her recommendation.

WEEKLY DIGESTS

- Town Council Weekly Digest – January 8, 2010
- Town Council Weekly Digest – January 15, 2010

ADJOURNMENT – to a meeting of the Tiburon Redevelopment Agency

TIBURON REDEVELOPMENT AGENCY

CALL TO ORDER AND ROLL CALL

Boardmember Fraser, Boardmember Fredericks, Boardmember O'Donnell, Vice Chair Slavitz, Chair Collins

ORAL COMMUNICATIONS

None.

BUSINESS MEETING

1. **Minutes** – Adopt minutes of February 18, 2009 meeting (Board Clerk Crane Iacopi)

MOTION: To adopt the minutes, as written.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

2. **Audit Report** – Adopt report for FY ending June 30, 2009 (Director of Administrative Services Bigall)

Director Bigall gave a brief report. She said that the audit reported very little activity over the previous year and no significant activity. She said that the Town still needed to meet the state-mandated goal of providing four very-low income units before the agency could sunset.

Boardmember O'Donnell asked why a separate agency was needed to accomplish this goal. Town Attorney Danforth said that the Redevelopment Agency was empowered under state law to allow the Town to collect a tax increment for this use. She said that the Town had researched whether this tax increment could be transferred to the Town's general fund, however, she said there was no clear answer to this question and therefore thought it was prudent to continue the agency.

Boardmember Fredericks asked if there were [Town] assets available for developing affordable housing projects. Director Bigall said that there were, and noted that \$600,000 had been loaned to the Marin Housing Authority for the development of Cecelia Place, and the rest (of the \$1.5 million balance for affordable housing) was held in cash.

Boardmember Fredericks asked whether the funds were vulnerable to state take-aways. Director Bigall said that currently they were not because the Town had not received any tax increments in the last five or six years.

Boardmember O'Donnell asked about the restrictions, if any, on where these low-income developments could be. Director of Community Development Anderson said that the [38 acres of the] Tiburon Redevelopment Agency boundaries were somewhat different than the Town's zoning overlay.

Chair Collins asked whether the Redevelopment area boundaries could be expanded. Director Anderson said that there did not appear to be prerequisite blight still existing to form a new redevelopment project area. He also noted that the Town could use redevelopment funds to build affordable housing outside of the project area boundaries and has been used for such purposes in the past. The difference is that the Redevelopment Agency only receives credit for half of the number of affordable units built if they are built outside the project area.

Chair Collins opened the public hearing. There was no public comment.

Chair Collins closed the public hearing.

MOTION: To adopt the audit report, as written.
Moved: Fredericks, seconded by Slavitz
Vote: AYES: Unanimous

ADJOURNMENT OF REDEVELOPMENT AGENCY

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the meeting at 8:10 p.m.

RICHARD COLLINS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK