

**TOWN COUNCIL  
MINUTES**

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL**

(Section 54956.9(a))

*Howard Zack, Diane Zack v. MERA*

*MERA v. Town of Tiburon and Dean Bloomquist*

*Citizens for Open Process in Antenna Siting (COPAS) v. MERA*

*Siciliano v. Tiburon*

*Xanadu v. Town of Tiburon*

**CALL TO ORDER**

Mayor Slavitz called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, September 17, 2003, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**ROLL CALL**

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

PRESENT: EX OFFICIO: Town Manager McIntyre, Town Attorney Danforth, Director of Community Development Anderson, Director of Public Works/Town Engineer Echols, Chief of Police Odetto, Director of Administrative Services McVeigh, Advance Planner Bryant, Associate Planner Lynch, Administrative & Financial Analyst Stott

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

None.

**ORAL COMMUNICATIONS**

Residents of 675 Hawthorne Drive and 105 Rock Hill Drive expressed the community's interest in forming a district to participate in the planning process for undergrounding of utilities on Hawthorne Drive, Mara Vista Court, Del Mar Drive, and Rock Hill Drive. Councilmembers were invited to attend a community meeting to be held on September 30, 2003 at 7:00 p.m. in the Town Council Chambers. One of the issues to be considered by the Town is providing funding

for undergrounding of the utility poles located between the Belvedere Tennis Club and the Multi-Use Path, and the two poles within the Town's right-of-way on Bayshore Terrace.

### **ORAL COMMUNICATIONS**

None.

### **PRESENTATION** - Community Marin

Nona Dennis presented the Community Marin 2003 report summarizing the recommendations from the Marin Conservation League, Marin Group of the Sierra Club, Marin Audubon Society, and the Environmental Forum of Marin, which would provide an environmentally responsible foundation for land use planning. Recommendations primarily focused on environmental quality, parks and open space, agriculture, housing, and economic vitality throughout the county. The objective of the report is to discourage rapid urban sprawl, reduce the amount of developable commercial land, enable safe and affordable housing for Marin's workforce, conserve energy resources, protect and restore the natural environment, and protect agriculture heritage.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Continued to October 1, 2003.

### **CONSENT CALENDAR**

1. **Recommendation by Director of Administrative Services** - Accept Town Investment Summary for July 2003.
2. **Recommendation by Chief of Police** - Authorization for COPS Funding for Fiscal Year 2003-04
  - a. A resolution of the Town of Tiburon approving an expenditure plan for the utilization of supplemental law enforcement funds (COPS Monies) received Fiscal Year 2003-2004
3. **Recommendation by Director of Public Works/Town Engineer** – Accept as complete the 2003 Street Rehabilitation Project
4. **Recommendation by Town Manager** – Authorization to purchase additional low-moderate income housing unit – 5 Marsh Road, Tiburon
5. **Recommendations by Town Attorney** – Responses to 2002–03 Marin County Grand Jury report
  - a. Affordable housing in-lieu fees and self-aside funds
  - b. Housing for public health and safety employees

MOTION: To adopt Consent Calendar Item Nos. 1 through 5, with the exception of Item 4.  
Moved: Thompson, seconded by Fredericks  
Vote: AYES: Unanimous

The Council removed Item 4 from the Consent Calendar, as Ms. Sylvia Vall was present to speak on that item. With regards to Consent Calendar Item #4, Mayor Slavitz clarified that the issue before the Council was whether the Town should exercise the right to purchase the unit if and when it becomes available, and not whether the unit was available or not. He also noted that the issue of owner-occupancy must be resolved prior to the Town moving forward.

Town Attorney Danforth briefly summarized the history of the subject Below Market Rate (BMR) unit program, which was intended to be owner-occupied by low and moderate income persons, and also to afford such persons to purchase their own home. A deed restriction was recorded providing that the Town would have first right to purchase the unit if it was sold and/or if the unit was sold or leased without the Town's permission. The unit was purchased by Ms. Vall in 1987, but the Town had granted Ms. Vall permission to rent the unit on a short-term basis in 1996 subject to certain conditions. Ms. Vall never complied with those conditions. However, now the Town and the Marin Housing Authority had received information demonstrating that Ms. Val had violated the deed restriction by leasing her unit without the Town's approval. Therefore, the Town has the right to exercise the option to purchase the unit.

In response to a question from Vice Mayor Fredericks, Town Attorney Danforth stated that while the Town had never previously been able to verify an illegal rental, it had received a number of complaints regarding unauthorized occupants over the past several years.

Ms. Vall admitted that she rented her unit in the past without the Town's permission, but clarified that it was only temporary and that she now resided in it.

Town Attorney Danforth stated that regardless of Ms. Vall's current occupancy of the unit, the issue was whether the unit had been previously rented without the Town's permission as such rental violates the deed restriction and entitles the Town to exercise its option.

Mayor Slavitz opened and closed the public comment period. No further comment was received from the audience.

Councilmember Gram suggested allowing Ms. Vall to remain in the unit, but specifically informing her that the unit cannot be rented out. Town Attorney Danforth stated that an option would be to allow Ms. Vall to remain in the unit with the condition that she executes the newer form of the deed restriction which precludes any occupancy of the unit by any other person without the Town's approval.

Councilmember Thompson emphasized the need for workforce and low-income housing. Given the fact that this situation keeps reoccurring, he felt that the Marin Housing Authority has not

properly managed below market rate units. Therefore, he suggested that the Town take over the management of said units at Point Tiburon.

Vice Mayor Fredericks stated that although there was proof that the unit has been rented out, she agreed that this was not the only case of such a violation at Pt. Tiburon. While she was disturbed by the fact that the owner has been making a profit from a unit intended for people who could not afford to buy or rent market-rate units, she recognized that the owner was a single mother.

Town Attorney Danforth stated that based on complaints received, the owner lived in Sausalito and used the unit not only to generate a profit, but also to get her daughter into the Tiburon public school system. She suggested that if the Town wanted to increase enforcement of the owner-occupancy restriction, it should retain a private detective, as was done a few years ago, to investigate other possible violations. The Council favored that measure.

**MOTION:** To allow Ms. Vall to remain in the unit, on condition that she sign a new deed restriction clarifying that she must occupy the unit and that no other person may do so without Town permission; to direct the Town Attorney to send Ms. Vall a strong letter emphasizing that she would lose her unit if she violates the owner-occupancy requirement again; and further to direct staff to increase enforcement of the owner-occupancy requirement.

**Moved:** Gram, seconded by Fredericks

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

NOES: Thompson

Councilmember Thompson voted against the motion stating that he was not convinced that the unit was currently owner-occupied.

## **REGULAR AGENDA**

### **6. Recommendation by Town Manager – Request by County of Marin to form a Business Improvement District to fund the Marin County Convention and Visitors' Bureau (CVB)**

Town Manager McIntyre stated that the Marin County Department of Parks, Open Space and Cultural Services was requesting that the Town consider joining a business improvement district for the purposes of promoting tourism in Marin County. In order to do so, the Town would have to implement an additional 1% to the Transient Occupancy Tax (TOT). Town Manager McIntyre recommended against said proposal because the Southern Marin tourism industry was different than Northern Marin. Therefore, he was not confident that the campaign would be beneficial to the Town.

Fran Brigman, Director of Marin County Parks and Open Space District, asked for the Town's consent to establish the Marin County Business Improvement District, which would apply an assessment to lodging businesses in Marin. The objective is to market Marin for midweek and business-travel for all season visitations. The District would include representatives of all participating City and Town Councils. Any City or Town may end their participation within a

year if the program is not successful. She concluded by introducing Robert Marshall of the Novato Inn Marin who was available to answer any questions.

Mayor Slavitz opened the public hearing.

Marty Elson, Managing Director of Waters Edge Hotel, expressed support for the promotion of midweek and low season tourism business.

Robert Marshall, Novato Inn Marin and Vice President the of Marin County CVB, commented on the need for creating a working CVB in the County in order to improve business for the hotel industry. According to Marshall, the CVB needed the collaboration of the cities and towns in order to market during the winter time. The objective is to target businesses from outside California to bring business conferences to the County.

In response to Councilmember Thompson, Mr. Marshall stated that a menu of characteristics showing the interests of each City and Town would be provided to targeted businesses.

Sidse Moeller, travel agent, stated that increasing tourism taxes would not be appropriate at this time.

In response to Councilmember Thompson, Town Manager McIntyre stated that the Tiburon Lodge had taken a neutral position on this matter and will abide to the Council's decision.

George Landau, travel agent and member of the Sausalito Chambers of Commerce, stated that Sausalito sold itself as a business destination, but agreed that it would be appropriate to explore the proposed approach on a temporary basis.

Mayor Slavitz closed the public hearing.

Having served in the Marin Economic Commission, Commissioner Thompson supported the proposal because it would help the Town's business during the mid-week and winter.

Councilmember Berger concurred, further stating that if properly done, businesses in San Francisco could be attracted to Tiburon.

While Vice Mayor Fredericks supported the concept, she questioned whether it would be appropriate to explore such idea at a time when the economy was down.

MOTION: To direct staff to prepare a resolution authorizing the Town to join the County's Business Improvement District.

Moved: Thompson, seconded by Gram

Vote: AYES: Unanimous

7. **Recommendation by Director of Administrative Services** – Authorization to modify Town Investment Practice

Director of Administrative Services McVeigh stated that each year the Council adopts an Investment Policy, which delegates management to the Town Manager to manage the Town's investment program. The objective is to ensure that funds are prudently invested, provide necessary liquidity, and obtain a reasonable return. The Town currently has \$9 million invested with the Local Agency Investment Fund (LAIF) at a current interest rate of 1.6%. Due to the steady decline of LAIF's investment yield, the Council Finance and Administration Committee met with the Town's Treasurer, Manager, and Director of Administrative Services to discuss investment options. The Town Treasurer has recommended investing in Federal National Mortgage Association (FNMA) notes and Certificate of Deposits (CDs). Therefore, it was recommended that the Council authorize the Town Manager to work with the Town Treasurer to diversify the Town's investment portfolio in compliance with the Town's adopted Investment Policy.

Town Treasurer Osher summarized the Town's financial portfolio and options available, explaining how the Town's money was currently invested, how the fund was run, and how the returns were gained. In his opinion, some of the money should be invested long-term with a better yield since short-term rates will not go up until federal interest rates are raised. After exploring investment options, his recommendation was that some of the money be invested in CD's (\$100,000 or less per investment) and short term agency securities when the market is right.

Mayor Slavitz opened the public hearing.

A member of the public commented in support of the proposal.

Mayor Slavitz closed the public hearing.

MOTION: To authorize the Town Manager and Treasurer to implement the strategy of reinvesting the Town's investment portfolio when the time is right.

Moved: Thompson, seconded by Gram

Vote: AYES: Unanimous

**PUBLIC HEARING**

8. **Appeal of Design Review Board Decision** – Approval of additions to single family home with variances at 425 Virginia Drive

Assistant Planner Lynch stated that on August 7, 2003, the Tiburon Design Review Board conditionally approved the Gavros' Design Review application. Subsequently, two separate appeals were filed by neighboring property owners Gaye and Francois Varnay, and Wayne Snow. Therefore, he recommended that the appeals be considered separately on their own merits. Town

Attorney Danforth further suggested that the appeals be considered separately so that Council could make specific findings for each appeal.

Assistant Planner Lynch presented background information, commenting on the review process then summarized the merits of the proposed project and the bases of the appeal as alleged by both the Varnays and Mr. Snow. The Varnays allege that: 1) story poles were not installed in a timely manner, placed in the appropriate location, or certified by a licensed surveyor; 2) view impacts due to the proposed mass of the building; and 3) only two Boardmembers were present to vote on the project. Mr. Snow's appeal was based on: 1) inconsistency with Zoning Ordinance Section 4.02.07 with regards to site layout; neighborhood character, grading and tree removal, compatibility of architectural style and exterior finish, landscaping, and lighting; and 2) inconsistency with the Tiburon Design Guidelines for Hillside Dwellings.

In response to a question from Vice Mayor Fredericks regarding the voting issue, Town Attorney Danforth stated that contrary to Robert's Rules of Order, the Town's past practice has been that once a meeting is convened with a quorum, the meeting will continue through the course of the agenda even if the number of members drops below three. However, should the Council have a concern with the Town's past practice, the matter could be remanded back to the Design Review Board and recommend for a change in practice.

Wayne Snow, appellant, reiterated the basis of the appeal which related to site layout in relation to adjoining sites, inconsistency with neighborhood character, excessive grading and tree removal, incompatibility of architectural style and exterior finish, relying on landscaping to screen the residence, and light pollution and glare.

Francois Varnay, appellant, reiterated the basis of his appeal highlighting the negative impacts resulting from the excessive number of windows and height of the project.

George Gavros, applicant, submitted a copy of his presentation and displayed the project plans on the wall. Mr. Gavros commented on the Design Review process, stating that the primary objective of the project was to protect the view corridor. He then addressed the issues raised in the appeals in the following manner:

- In terms of timing and location, story poles were erected as required by the Design Review Board.
- The height of the second story cannot be lowered due to the height of the pillars necessary for support.
- Even though the project was not approved by the majority of the Board on August 7, 2003, the four voting Boardmembers agreed to continue the matter to June 19, 2003.
- The size of the subject lot is similar to that of surrounding properties.
- Revisions to the project do not constitute a new project, but rather a remodel.
- Similar Variances have been granted on other properties along Virginia Drive.
- The proposed additions are compatible with the neighborhood character in terms of colors, materials, and prominence.
- Tree removal has been carefully considered.

- The proposed project is consistent with the architectural style and exterior finish of surrounding properties.
- The proposed landscape plan has been reviewed and approved.
- Mitigation measures for minimizing lighting and glare impacts have been submitted.
- The proposed project is similar in size to surrounding homes.
- Some view blockage will be inevitable.

In response to Councilmembers' questions, Mr. Gavros provided the following information: 1) the retaining wall for the pool will be a natural concrete gray color; 2) irrigation plans will be submitted as part of the building permit process; 3) the trellis is a metallic dark olive color; 4) the overhang is simply an architectural element for decorative purposes; 5) the pool will be in-ground, but a retaining wall is necessary because of the slope of the property; and 6) the Variance requested is for setback purposes. Mr. Gavros concluded by further addressing concerns regarding view blockage as related to the height of the proposed addition.

Dora Gavros, applicant, expressed concern regarding the lengthy Design Review, commenting on the previous efforts made to address neighbors' concerns.

Mayor Slavitz opened the public hearing.

Concerned neighbors Burton Rutkin, 9 East Terrace, and Ann Robinson, 17 Juno Road, expressed concern regarding the number of windows, potential night light glare impacts on Tiburon Boulevard, and size of the residence.

Concerned neighbors Sue Cawdrey, 528 Virginia Drive, and David Coury, 3312 Paradise Drive, commented in support of the proposed project as it would significantly improve the aesthetics of the property.

Francois Varnay reiterated his concerns regarding the erection of the story poles.

Mayor Slavitz closed the public hearing.

Based on the record, Commissioner Berger found that the proposed project had been carefully considered by the Design Review Board. He then made the following suggestions: 1) planting of vines along the retaining wall; 2) requiring an irrigation plan to ensure the survival of the plants; 3) the trellis should be of a dark, wooden material and screened with vines; 4) reducing the height of the second story from 10 feet to 9 feet; and 5) increasing the line of sight across the building by cutting back the overhang on the second story.

Commissioner Fredericks echoed the concern regarding light glare resulting from the number of windows facing Tiburon Boulevard, and concluded by agreeing with Councilmember Berger's suggestions with regards to the overhang and height of the second story.

Councilmember Thompson also agreed with Councilmember Berger's suggestions.

Mayor Slavitz shared the concerns regarding the five-foot overhang and the 14-foot height of the first story. In his opinion, prominence of the house could be minimized by reducing the size of the overhang and the height of the residence as a whole. He concluded by agreeing with the suggestion to reduce the number of windows facing Tiburon Boulevard in order to avoid light glare and the planting of vines along the retaining wall.

Councilmembers discussed the proposed interior lighting and the need for a lighting plan.

**MOTION:** To partially deny and partially grant the Snow appeal with modifications as set forth herein and direct staff to prepare a resolution accordingly. Final design of the project will be reviewed and approved by staff.

- Reduce the amount of window glass on the first story at the rear of the building by 15%.
- The windows on the rear of the building shall be tinted in a non-reflective manner.
- Trellis shall be of wooden materials, and shall be planted with vines. Vine pockets shall be constructed in the patio for this purpose and shall be shown on the landscape plan.
- The retaining wall shall be faced with a dark plaster or cultured stone and screened with vines.
- Require submittal of an irrigation plan for all trees and vines.
- Reduce the height of the second story by one foot.
- The overhang shall be no more than three feet.
- Only swimming pool lights, low step lights, and those required by Code shall be installed in the rear yard.

Moved: Berger, seconded by Fredericks

Vote: AYES: Unanimous

**MOTION:** To partially deny and partially grant the Varnay appeal with modifications as set forth above, and clarifying that the only exterior lighting permitted on the western side of the building is pool lights as required by Code and downward step lights for safety. Final design of the project will be reviewed and approved by staff.

Moved: Berger, seconded by Fredericks

Vote: AYES: Unanimous

**9. Recommendation by the Director of Community Development - General Plan Update - Review of Land Use Element Issues Paper.**

Advance Planner Bryant stated that this matter was considered by the Planning Commission approximately one month ago. The purpose of the meeting is to obtain direction and clarification from the Town Council regarding some of the issues raised at the Planning Commission hearing with regards to: 1) appropriate maximum densities of vacant residential properties; 2) redesignation of all large vacant properties to planned development residential; 3) retention of the planning area of the General Plan as it currently is; and 4) Town's annexation policies,

particularly with regards to Paradise Drive, Strawberry Peninsula, and Bay Vista/Eagle Rock area.

Mayor Slavitz opened the public hearing.

Mike Worsensky, 36 Bay Vista Drive, opposed the annexation of the Bay Vista area since the neighborhood was not supportive of low-income housing in that area.

With regards to the designation of properties as planned development residential, staff asked for the Council's direction with regards to redesignation of the properties, expenditure of resources for the identification of appropriate densities, and whether a description of environmental and regulatory constraints should be included in the Plan.

In response to Vice Mayor Fredericks, staff stated that density and/or units per acre were taken from the existing General Plan. However, a more detailed narrative description would be included to describe the site characteristics of vacant properties.

Fiona O'Connor, concerned resident, questioned how the two units per eleven acres density of her property was calculated.

George Landau, 82 Sugarloaf Drive, commented on the need for density calculation guidelines and concluded by requesting that adequate time be allocated to clarify all issues pending.

While Councilmember Berger supported the planned development concept, he suggested that the Plan clearly indicate that density would be ultimately dictated by the environmental characteristics of a property.

Councilmember Thompson supported the planned development designation, but thought that more realistic density figures should be provided.

Vice Mayor Fredericks stated that specific properties to be redesignated need to be clearly identified. She suggested that the Town find a way to refine the density numbers. She said that the Open Space element could be used in developing those numbers. She said that the property descriptions should include location.

Councilmember Gram did not support spending resources for redesignating properties based on partial information. He also said a strong statement about site constraints should be included.

Mayor Slavitz concurred with comments made by other Councilmembers and asked that staff come back with a suggestion on the feasibility of redesignating densities without spending a lot of money.

Staff commented on the proposed redesignation of all of Tiburon's parks, including Blackie's Pasture, recommending that said parcels be designated as "parks and recreation". However, since Blackie's Pasture was purchased with money from the 1972 open space bond, it has been

suggested that it be designated as “open space”. The difference between the “parks and recreation” and “open space” designation is that parks could be developed for recreation purposes while open space could only be developed for passive recreation.

In discussing the difference between “parks and recreation” and “open space” designations, Community Development Director Anderson clarified that the open space designation will not allow a paved bicycle path, parking lot, soccer field, or permanent restrooms while the parks and recreation designation may allow such formal improvements.

Dana Upton, 532 Virginia Drive, suggested that all parks be designated as “parks”, but not “parks and recreation” because she believes it could open up Blackie’s for a skate park.

Bruce Abbott, Greenwood Beach Road, provided background history of when Blackie’s Pasture was purchased with money from the 1972 open space bond and why the designation should be “open space.”

Joan Foster, 11 Sierra Court, concurred with Mr. Abbott further expanding on the history of the 1972 open space bond measure. In contacting members of the Town Council serving at the time the measure was passed, she was informed that the intent was for Blackie’s Pasture to be passive use open space.

Bernie Curley, Sierra Court, concurred with Mr. Abbott’s and Ms. Foster’s comments suggesting that the designation of Blackie’s Pasture be “open space.”

John Kern, Stewart Drive, suggested limiting all passive open space designated parcels to only horizontal construction in order to allow paved paths, but disallow construction of buildings.

Ann Ross, Reed Ranch Road, noted that Blackie’s Pasture was the only level recreational area in Tiburon.

Reed Shaw, 1 Sierra Court, asked whether the Bayfront Conservation Development Commission (BCDC) had taken a position on this matter. Staff responded that BCDC has not commented on this matter.

Jim Rushwick, Sierra Court, asked that Blackie’s Pasture be restored to open space and passive uses. He said that “sins of the past” can be forgiven, but said that there should be no additional development at Blackie’s.

Joyce Tayer asked that the original and current zoning of Blackie’s Pasture be researched.

Mayor Slavitz closed the public hearing.

Councilmember Thompson explained that the intent was to find a more accurate designation for Blackie’s Pasture, but to retain the existing passive use. He said that Parks & Recreation is an appropriate designation.

In response to Vice Mayor Fredericks, staff stated that Blackie's Pasture could be designated as open space even though there are structures on it, but that further development of structures would be prohibited.

Councilmember Berger supported designating Blackie's Pasture as open space, but redesignating the rest of the linear park as "park and recreation" in order to serve the recreational needs of Tiburon.

Councilmember Gram suggested designating Blackie's Pasture as "parks and recreation" with passive use restrictions.

Mayor Slavitz suggested that language be developed which would keep Blackie's for passive use.

Staff was directed to find a land use designation for Blackie's Pasture which preserves the existing passive use of the area.

In response to the Planning Commission's suggestion that some of the policies in the Open Space Element be repeated in the Land Use Elements, staff recommended that policies in the Land Use Element cross-reference policies in the Open Space Element, but that they not be repeated. Therefore, staff asked for Council's direction on this matter.

Councilmember Berger supported repeating the policies, as necessary.

Jerry Riessen concurred with Councilmember Berger's statement.

Staff was directed to repeat policies as necessary in both the Open Space and Land Use Elements.

Staff recommended that the affordable housing sites identified in the HCD approved Housing Element be redesignated for high density housing. Said sites include the Cove Shopping Center, sites in downtown, and two properties in the Bay Vista/Eagle Rock area. Council accepted staff's recommendation.

With regard to issues raised by the Planning Commission about annexation policies, staff recommended that the Town be directed to work with County agencies and LAFCO to identify costs related to annexation of Paradise Drive. Council accepted staff's recommendation.

Staff commented on issues raised regarding revenue base for streets and parks, recommending that the concept of a secure revenue base be included in the Land Use Element of the Plan, but not as a policy. Council accepted staff's recommendation.

Council discussed and accepted staff's recommendation with regards to urban services needed on Paradise Drive.

Staff clarified that designating properties that have scenic open space easements as open space would not affect owners' property rights.

**10. Recommendation by Director of Community Development – Town Initiated Text Amendments and Open Space Rezoning (Chapter 16 of Town Municipal Code)**

*Introduction of Ordinance/Read by Title Only*

Community Development Director briefly summarized the merits of the proposed amendments stating that the Planning Commission held two meetings on the matter, at which time all issues raised had been addressed. Some of the changes relate to: preemptions from State and Federal laws; rezoning of the St. Hilary's Open Space Preserve and land dedication of the Stevens Court Subdivision; yard regulations and height measurements; and density bonus laws to reflect recent change in State law.

Mayor Slavitz opened the public hearing.

George Landau, 82 Sugarloaf, asked if the rezoning was a positive change and was reassured that it was.

Mayor Slavitz closed the public hearing.

MOTION: To read the Ordinance by title only.  
Moved: Berger, seconded by Gram  
Vote: AYES: Unanimous

Mayor Slavitz read, "An Ordinance of the Town Council of the Town of Tiburon adopting various amendments to, and rezoning certain properties designated within, Chapter 16 (Zoning) of the Tiburon Municipal Code."

MOTION: To pass first reading of the above Ordinance.  
Vote: Thompson, seconded by Berger  
Vote: AYES: Berger, Fredericks, Gram, Slavitz, Thompson

**COUNCIL COMMITTEE AND COMMISSION REPORTS**

None.

**WRITTEN COMMUNICATIONS**

**Town Council Weekly Digest – September 5, 2003**

**Town Council Weekly Digest – September 12, 2003**

**ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 12:25 A.M. on September 18, 2003, sine die.

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JEFF SLAVITZ, MAYOR

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK