

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Fredericks called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, August 18, 2004, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Fredericks, Gram

ABSENT: COUNCILMEMBERS: Slavitz, Smith

PRESENT: EX OFFICIO: Town Manager McIntyre, Town Attorney Danforth, Director of Community Development Anderson, Planning Manager Watrous, Director of Public Works/Town Engineer Echols, Director of Administrative Services Bigall, Town Clerk Crane
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CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Section 54956.9(b))

Bargaining Unit: Tiburon Police Association
Negotiator: Town Manager

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Section 54956.9(a))

Zack, et al. v. Marin Emergency Radio Authority

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Fredericks said that no action was taken.

ORAL COMMUNICATIONS

None.

APPOINTMENTS TO BOARDS, COMMISSIONS & COMMITTEES

- Parks & Open Space Commission – (One Vacancy)

MOTION: To appoint Christopher Wand to the Parks & Open Space Commission
Moved: Gram, seconded by Berger
Vote: AYES: Unanimous
ABSENT: Slavitz, Smith

CONSENT CALENDAR

Councilmember Gram asked to remove Item No. 4 from Consent for discussion.

1. **Approval of Town Council Minutes** – August 4, 2004
2. **Recommendation by Director of Public Works/Town Engineer** – Accept as Complete FY 2003-04 Street Rehabilitation Project
3. **Recommendation by Director of Public Works/Town Engineer** – Approve FY 2004-05 Capital Improvement Projects Plans and Specifications

MOTION: To approve Consent Calendar Item Nos. 1, 2 & 3.
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSENT: Slavitz, Smith

4. **Request by Tiburon-Peninsula Chamber of Commerce** – Authorize Street Closure for “Fridays on Main” and Budget Amendment

Town Manager McIntyre gave a brief report, stating that he had met with representatives of the Chamber, Mary Catherine Bach, Jim Hermann, and Terry Koenig, to hear more details and discuss a budget for the proposal. He also said that they had requested the addition of Friday, October 15 to the schedule as it would coincide with the professional tennis tournament that would be underway that week at the Tiburon Peninsula Club.

McIntyre said that \$5,600 had been requested to fund the events and that there were funds available in the Town budget. He said that Council was being asked to approved two facets: the proposed closure of Main Street on those five Friday evenings, and secondly, the budget appropriation.

Mayor Fredericks asked what the expected outcome of the proposal was.

Vice Mayor Berger, the Council's representative to the Downtown Development Committee, said that it was a combination of "consciousness raising" about new merchants and businesses downtown, as well as to promote positive interaction between residents and local businesses.

Terry Koenig, representing the Chamber and Koenig & Associates said that the idea was to make Main Street a gathering place on Fridays nights and to encourage people to stay in town rather than go into San Francisco (or other locations). He concurred with the Vice Mayor that it would be a venue to showcase new stores and restaurants, and that there would be picnic tables available for those who just wanted to come down and enjoy the music and ambience.

Councilmember Gram said that he thought an alternate approach might be to see if the first evening was successful and if so, to plan future ones using what had learned from the first event.

Vice Mayor Berger said that the group had considered "spreading out" the evenings over a longer period of time but noted that with the changing seasons, darkness would fall earlier which would make it less workable.

Mayor Fredericks asked if the live music would be staged at the ferry plaza and was told that it would be in the street, near Servino's restaurant.

She noted that residents in the area had complained about loud music. Mr. Koenig replied that it would be "low key" so that people could talk, and that there was no stage or big PA system planned.

MOTION: To approve the closure of Main Street for five Friday nights, beginning September 17, and to appropriate \$5,600 to help subsidize the cost of "Fridays on Main."

Moved: Berger, seconded by Gram

Vote: AYES: Unanimous

ABSENT: Slavitz, Smith

REGULAR AGENDA

5. Presentation by Tiburon-Peninsula Chamber of Commerce – Request for Funding for "Oktoberfest" Event

Robin Daly, representing the Chamber of Commerce, gave a presentation and description of the proposed event on October 2 at the Boardwalk parking lot and asked that Council re-direct the \$2,000 it had allocated for the "Festival of Trees" to that event instead. She said that the funds would be seed money to cover the cost of the "oompah" band and food, and that it would be a family event with balloons, a clown, and face painting, as well.

Ms. Daly said that the event already had a number of corporate and business sponsors, and that the proceeds would go toward the lighting of the median strip on Tiburon Boulevard downtown during the holidays.

Councilmember Gram asked whether the Belvedere Council had also contributed to the event. Ms. Daly said that they allocated \$2,000, as well.

MOTION: To redirect \$2,000 to the Oktoberfest on October 2, 2004.

Moved: Berger, seconded by Gram

Vote: AYES: Unanimous
ABSENT: Slavitz, Smith

6. **Recommendation by Director of Public Works/Town Engineer** – Request by Rotary Club to Place Viewing Binoculars at Ferry Plaza/Shoreline Park

The Mayor said that the item had been continued.

7. **Recommendation by Town Manager** – Appointment of Tiburon Alternate Representative to Marin Emergency Radio Authority (MERA) Board of Directors

MOTION: To appoint Councilmember Jeff Slavitz as alternate representative.

Moved: Gram, seconded by Berger

Vote: AYES: Unanimous
ABSENT: Slavitz, Smith

PUBLIC HEARING

8. **Recommendation by Planning Manager** – Precise Plan Amendment to Modify Building Envelope to Install Fence and Landscaping

Address: 6 Indian Rock Court

Applicants: Christopher Senn & Inge Hendromartono

AP No.: 038-400-03

Planning Manager Watrous said that two changes had been requested for changes to the building envelope at 6 Indian Rock Court. He said that the Planning Commission recommended approval of the change to the western portion of the envelope but not to the eastern side because it encroached into a scenic easement (between the homes and 6 and 8 Indian Rock Court) that was established by the Town Council when it approved the Preserve Precise Plan.

Mayor Fredericks opened the public hearing.

Marci Camacho, landscape architect representing the owners of the property, said that her clients felt that the Planning Commission recommendation was reasonable especially once they found out that the neighbors [at 8 Indian Rock Court] had been required to remove landscaping from the scenic easement in the past.

The Mayor asked whether the proposed deer fences would be hidden by existing shrubbery. Ms. Camacho said that they would not be visible from the street due to the topography in the area and that the deer fence would be made of mesh material with stained posts to blend with the area.

In response a comment by Mayor Fredericks, about the portion of the plan on the eastern side which had not been approved, Ms. Camacho concurred that the landscaping on that side would have indeed been visible and would have changed the “barren” look of the area which was similar to the surrounding open space.

Mayor Fredericks closed the public hearing.

Vice Mayor Berger said that it was a well thought out landscape plan.

MOTION: To adopt the resolution approving the Precise Plan Amendment, as written.
Moved: Berger, seconded by Gram
Vote: AYES: Unanimous
ABSENT: Slavitz, Smith

COUNCIL, COMMITTEE AND COMMISSION REPORTS

None.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – August 6, 2004

Town Council Weekly Digest – August 13, 2004

Town Manager McIntyre called attention to correspondence concerning two of the BMR units at Pt. Tiburon Marsh and said that Staff would return to Council with a policy concerning some of the issues raised in these letters.

McIntyre said that the “Spirit of Marin” awards luncheon would take place on September 17 at St. Vincent’s School for Boys. and he asked the Town Clerk to follow up if any of the Council was interested in attending. He noted that Jim and Howard Allen were being honored by the Chamber this year.

With regard to 7 Audrey Court correspondence in the Digest, the Town Manager said that Staff had addressed all of the questions raised by the neighbors and interested parties. He said that he was confident that the Town’s processes and procedures had been followed in their entirety and that legal counsel had said there was no process for further review as a result.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Fredericks adjourned the meeting at 8:00 p.m., to the next regular meeting scheduled for September 15, 2004.

ALICE FREDERICKS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK