

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Vice Mayor Smith called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, August 3, 2005, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Fredericks, Gram, Slavitz, Smith

ABSENT: COUNCILMEMBERS: Berger

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

Prior to the regular meeting, beginning at 6:30 p.m., the Council met in closed session to discuss the following matters:

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Section 54957.6)

Bargaining Unit: MAPE

Negotiator: Town Manager and Director of Administrative Services

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Section 54956.9(b))

Threatened litigation by Reed Union School District

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Section 54956.9(a))

Claim No. E200405A0326-00-se\37AA404490

Litigation Update:
Fenster v. Town of Tiburon
Bonander et al. v. Town of Tiburon
Siciliano v. Town of Tiburon
Town of Tiburon v. Sylvia
Zimmerman v. Town of Tiburon

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(Section 54956.9(b))

Case name withheld because disclosure would jeopardize existing settlement negotiations

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Vice Mayor Smith said that no action was taken on the matters discussed in closed session.

ORAL COMMUNICATIONS

Mogens Bach, representing Pt. Tiburon Plaza, Inc., asked the Council for a continuance of Item No. 4 on the agenda (Appeal of Planning Commission denial of Application for Caprice Restaurant Expansion Plan).

Vice Mayor Smith asked if the applicant would be willing to waive any time constraints [on their project] based on the Town's policy for scheduling appeals.

Mr. Bach answered affirmatively.

Vice Mayor Smith asked for Council's comments.

Councilmember Slavitz noted the number of people in the audience who were present to hear the appeal.

Vice Mayor Smith commented that because the location was such a prominent site and the matter itself was controversial, it would be preferable to continue the item in order to have a full Council present.

A member of the audience remarked that a lot of people had rearranged their schedules to be present this evening. He asked if the Council would take testimony on the matter.

Vice Mayor Smith said that it would not be appropriate to hear any public comment before Council heard the appeal. He apologized for the inconvenience to anyone in the audience if the item was continued.

Town Attorney Danforth recommended that a specific date be chosen for the continuance, particularly since the next two agendas seemed to be full already.

Council discussed several dates and moved to continue the item until the regular meeting of Wednesday, October 5, 2005.

Michael Heckmann, Joanne Norman, Bill Teiser and Michelle Scott, representing the two Rotary Clubs of the Tiburon Peninsula, presented a special DVD to the Council and Town officials. The DVD, a history of the town based on lectures by Town Historian Branwell Fanning, was produced by the clubs to mark Rotary's Centennial celebration.

Mr. Heckmann also stated that the DVD was being made available to the local schools.

Council thanked the Rotarians for their gift.

PRESENTATION

- Heritage & Arts Commission Annual Report

Chair Gotz gave the annual report. He also showed excerpts from a historical DVD he is producing on behalf of the commission regarding the history of the Lyford House. He remarked that his interest in the project had started when he realized that school-age children in the Tiburon peninsula are taught about the early settlers and the Mikwok Indians, but nothing past that time.

Council thanked Chair Gotz and the Commission for their continuing good work and many projects in support of heritage preservation in the town.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – July 13, 2005
2. **Approval of Town Council Minutes** – July 20, 2005
3. **Recommendation by Town Manager** – City of Belvedere Special Event Permit Application for Labor Day Parade
 - a) Authorize Street Closure
 - b) Authorize Monetary Donation

MOTION: To approve Consent Calendar Item Nos. 1 through 3, above.

Moved: Fredericks, seconded by Gram

Vote: AYES: Fredericks, Gram, Smith
 ABSTAIN: Slavitz, July 13 and July 20 minutes
 ABSENT: Berger

PUBLIC HEARING

4. **Report by Planning Manager** – Appeal of Planning Commission Denial of Conditional Use Permit Application for 2nd Story Banquet Facility Expansion Plan for Caprice Restaurant
Applicant/Appellant: Pt. Tiburon Plaza, Inc.
Address: 2000 Paradise Drive
Assessor Parcel No. 059-172-46

Continued without hearing until October 5, 2005.

COUNCIL AND COMMITTEE REPORTS

Councilmember Fredericks asked whether links to homeowner’s associations could be placed on the Town’s website.

Town Attorney Danforth commented that if the Town allowed links to some private organizations, it might be required to allow all requests for non-governmental links.

Staff agreed to research subject further.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – July 22, 2005

Town Council Weekly Digest – July 29, 2005

Town Manager McIntyre noted that a letter had been sent to the City of Belvedere requested their participation in funding (in the amount of \$20,000) for the downtown art project.

Council asked to be notified when the matter would be on the Belvedere City Council agenda.

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Vice Mayor Smith adjourned the meeting at 8:15 p.m., to the next regular meeting scheduled for August 17, 2005.

PAUL SMITH, VICE MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK