

**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, April 20, 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, Director of Community Development Anderson, Director of Public Works/Town Engineer Nguyen, Police Chief Cronin, Police Captain Hutton, 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

CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6)

Bargaining Units: Tiburon Police Association; SEIU
Negotiators: Town Manager and Director of Administrative Services

CLOSED SESSION ANNOUNCEMENT, IF ANY

Mayor Slavitz said that no action was taken on the above items in closed session. He said that another item, a lawsuit that was filed after the publication of the agenda, was added on an urgency basis, by a 2/3 vote: *Lowenberg v. Tiburon*. He said that direction was given to staff on this and the other matters.

ORAL COMMUNICATIONS

None.

Mayor Slavitz moved up adoption of the Consent Calendar prior to the presentation.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of April 6, 2011 Meeting (Town Clerk Crane Iacopi)
2. **Farewell to Boardwalk Market** – Adopt resolution commending Jeanne Fitzgerald, Karen Brock and the Staff of Boardwalk Market for 25 years of service to the Tiburon Community (Town Clerk Crane Iacopi)
3. **Zero Waste Grant** – Adopt resolution authorizing Associate Planner to submit application for a Zero Waste Grant, and execute all necessary documents for the purposes of the grant, to Marin County Hazardous and Solid Waste Management JPA (Associate Planner Tyler)
4. **Time Extension for Design Review Approvals** – Adopt ordinance amending Title IV, Chapter 16 (Zoning Ordinance) of the Town Code that would provide a one-year time extension for approved, unexpired Design Review permits – (Director of Community Development Anderson)
5. **Lyford Drive Parking Project** – Adopt ordinance establishing a streamlined development review procedure for the Lyford Drive Multi-modal Parking Lot Project located at the intersection of Lyford Drive and Tiburon Boulevard (Director of Community Development Anderson)
6. **Trestle Glen Circle** – Authorize execution of service agreement for CEQA work for 3-Lot Precise Development Plan; APN: 039-061-01 (Director of Community Development Anderson)

Councilmember Collins asked to remove Item No. 4 from the Consent Calendar, for discussion after the presentation.

MOTION: To approve Consent Calendar Item Nos. 1, 2, 3, 5, and 6, as submitted.
Moved: Fredericks, seconded Fraser
Vote: AYES: Unanimous

PRESENTATION

- Recognition of Boardwalk Market for 25 years of service to Tiburon community, followed by break for cake and refreshments

Mayor Slavitz read the resolution commending the Boardwalk Market and presented copies to Jeanne Fitzgerald and Karen Brock. Dr. Tom Cromwell of the Belvedere City Council also presented a resolution on behalf of that city.

Both Mayor Slavitz and Dr. Cromwell told of their experiences of shopping at the market and how much it had meant to them, their families, and the community over 25 years. Vice Mayor Fraser also commended the market and wished them well in their future endeavors. Mayor Slavitz read the names of all the Boardwalk Market employees and thanked them for their service, as well.

Mayor Slavitz then opened the presentation to the public for their comments. A number of people spoke, including Jeannie (Jeannie's Java), Deborah Mazzolini (Library Director), and numerous other residents and customers who related stories of fine food, recipes, or the excellent customer service they had received. All the speakers said how much they will miss the market, their owners, and staff.

A choral group, comprised of Tiburon and Belvedere residents, sang two songs in honor of the Boardwalk Market.

Ms. Fitzgerald said how much she had enjoyed working in the community for over 25 years. She said that although the circumstances of the market's departure were not precisely what she had envisioned, she and her staff would continue to grow in their next move. Ms. Fitzgerald expressed her gratitude for the well wishes and recognition and invited everyone to come to the new market in Marinwood.

Mayor Slavitz adjourned the meeting for a brief recess and refreshments. The Council meeting reconvened at 8:15 p.m.

4. Time Extension for Design Review Approvals – Adopt ordinance amending Title IV, Chapter 16 (Zoning Ordinance) of the Town Code that would provide a one-year time extension for approved, unexpired Design Review permits – (Director of Community Development Anderson)

Councilmember Collins said that while the proposed ordinance allowed a one-year extension for existing permits due to the downturn of the economy, it did not address the fact that there may have been other permit holders who had been adversely affected going back to the beginning of the recession. He said that it was generally agreed that this date was December 1, 2007. Collins said that the City of Mill Valley had used this criterion in adopting its ordinance. He asked whether the Council would consider a future amendment to the ordinance.

The Mayor asked staff regarding the appropriate means of responding to Councilmember Collins' proposal. Town Attorney Danforth commented that the Council had discussed the matter of retroactivity at the last hearing extensively and the majority had voted not to make the extension retroactive. She suggested that they consider the second reading and passage of the

ordinance separately, then let a majority of the Council decide if they wanted to agendize the retroactivity question for future discussion.

Mayor Slavitz opened the matter to public comment.

Firuze Hariri, owner of 9 Burrell Court, said she would like to see the ordinance amended retroactively, to include people who had received permits right before the economic meltdown. She said that she had never received a reply to her January 30, 2011 letter requesting an extension for her permit. She said she felt it was “unjust” that she had been left out of the decision-making process on this matter.

There being no further comment, Mayor Slavitz closed the public hearing.

MOTION: To adopt the ordinance, as submitted.

Moved: Fredericks, seconded Fraser

Vote: AYES: Unanimous

MOTION: To consider a future amendment to the ordinance, for retroactivity to the beginning of the recession.

Moved: Collins, seconded O’Donnell

Vote: AYES: Collins, O’Donnell

NAYES: Fraser, Fredericks, Slavitz

ACTION ITEMS

1. **Climate Action Plan** – Recommendation to adopt a Climate Action Plan including a Greenhouse Gas Emission Reduction Target (Associate Planner Tyler)

Associate Planner Tyler said that Assembly Bill 32, officially called the Global Warming Solutions Act of 2006, instituted a mandatory limit on greenhouse gas pollution and requires a reduction in emissions in California to 1990 levels by the year 2020. Tyler said the Act also directed the California Air Resources Board (CARB) to establish a mandatory reporting system to track and monitor emission levels, and required CARB to develop various compliance options and enforcement mechanisms.

Ms. Tyler said that the purpose of the Town’s Climate Action Plan (“Plan”) was to compile existing and potential strategies that Town government operations and the community could feasibly take to address climate change. She said the Plan provided background on what constitutes climate change and discusses its potential impacts, and focuses on efforts Tiburon can take to reduce its greenhouse gas (GHG) emissions and begin to address the impacts of climate change.

In 2009, according to Tyler, the Town completed an inventory of GHG emissions for both government operations and the community, using year 2005 data as a baseline. She said the

inventory found that Tiburon government operations produced approximately 389 metric tons of CO²e (carbon dioxide equivalent), while the community produced approximately 53,143 metric tons of CO²e. The Town Council reviewed the GHG Inventory Report in May 2009. No Town GHG reduction target was established at that time.

Since that time, Tyler said that staff had collaborated with members of the Marin Climate and Energy Partnership (MCEP), a group of representatives from all 11 Marin jurisdictions and other public agencies, to develop a model climate action plan. Tyler said that the current MCEP Sustainability Coordinator, Christine O'Rourke, had helped staff prepare a climate action plan for the Town. She acknowledged the work of Ms. O'Rourke in providing the GHG reduction calculations and for working on the overall text and format of the document.

Tyler said the Town's Climate Action Plan focused on four main areas:

1. Land Use and Transportation (starting on page 18 of the Plan)
2. Green Building, Energy Efficiency and Renewable Energy (starting on page 21 of the Plan)
3. Waste Reduction, Recycling and Zero Waste (starting on page 23 of the Plan)
4. Water and Wastewater (starting on page 25 of the Plan).

Associate Planner Tyler said the Planning Commission reviewed the draft Climate Action Plan at its March 23, 2011 meeting, and after raising three questions more fully detailed in the staff report, recommended its approval.

Ms. Tyler then turned the meeting over to Ms. O'Rourke who reviewed the report in more detail and answered questions from the Council. She focused on the actions that could be taken by the Town to meet the recommended 15% reduction in emissions.

Councilmember Collins noted that the City of San Rafael and the County of Marin had set higher (20%) reduction targets and asked how the Town was different. Ms. O'Rourke said that County had adopted its target several years earlier and had set a more aggressive agenda. She said the Town could reach the 20% target if it did more of the programs listed in the report. However, she said that most communities had adopted the State's guideline of a 15% reduction. Setting a higher target would require more funding of programs, by the Town, for example if the Town chose to go with the "Deep Green" energy provided by Marin Clean Energy [the Town Council had previously approved the "Light Green" program level].

Director of Community Development Anderson concurred, noting that the County and San Rafael had also adopted the BERST guidelines, in addition to "Deep Green" energy, which made their higher targets more easily achievable.

Vice Mayor Fraser commented about gridlock on Tiburon Boulevard and how it contributed to the combustion of fossil fuels and global warming. He asked Ms. O'Rourke how the Town could best address this issue. Ms. O'Rourke said that Plan recommended a reduction in vehicle use and that the Town could encourage walking and biking alternatives to vehicle use, and transportation-oriented development.

Councilmember Fredericks noted that the Town had adopted the "Safe Routes to School" program which was now a model program nationwide, to encourage biking and walking to school, and the creation of safe routes to get there.

Fredericks asked for a clarification of Paragraph 6d, on Page 30, which described seawalls, storm surge barriers, and fire protection as "hazards". Ms. O'Rourke agreed that the paragraph might be better written and said she would take a look at revising it.

Mayor Slavitz said that the Plan was a great document and that it was now up to the Town to choose from the options described in its planning and budgeting process.

Ms. O'Rourke said that it was recommended to do a greenhouse gas inventory every five years in order to keep benchmarking and tracking emission reduction.

Councilmember O'Donnell also praised the document but said that the description of sea-level rise could be seen as promoting fear-mongering. He said that while global warming seemed a certainty, he questioned the dramatic 55-inch level rise depicted in the report.

Ms. O'Rourke agreed that there was a wide spectrum of ideas and opinions on this topic. She said that MCEP tried to use local sources of information, and that this information came directly from a California source, BCDC.

Mayor Slavitz opened the item to public comment. There was no public comment.

MOTION: To adopt the Climate Action Plan (resolution).
Moved: Fredericks, seconded Fraser
Vote: AYES: Unanimous

2. **Easton Point Draft Environmental Impact Report** – Review draft comments on the Easton Point Project (aka Martha Company Property) DEIR and direct staff to submit final comments to County of Marin (Director of Community Development Anderson/Town Attorney Danforth)

Town Attorney Danforth gave the report. Council commended staff for drafting an excellent letter to the County of Marin. They added the following comments:

Vice Mayor Fraser thought that letter might be "tuned up" in relation to the safety issues of narrow and not easily transited streets. He said that not only is this a problem for level of service (by fire trucks and safety vehicles), but that a line of sight analysis should be sought because there were areas on the streets where two vehicles cannot currently pass each other.

Fraser said that Mitigation Measure 5.1.10 did not make sense in this context and seemed to miss the point by stating that to avoid traffic congestion, dumpsters should be prohibited on certain

streets. He suggested that the Town's letter to the County ask the questions of how can large trucks be allowed on streets in the neighborhood to service Lots 1, 2 and 3, and to address this issue in the context of the health and safety of the neighborhood and drivers of these [large] vehicles.

Mayor Slavitz opened the hearing to public comment.

The following people spoke:

1. Jerry Riessen, Vistazo West, spoke of continuing concerns regarding landslides and safety; said he had hoped these issues would be mitigated in the EIR but he did not think the EIR had succeeded in doing so; said he continued to wonder about the construction road and thought the mitigation measure to provide a guardrail was not adequate; said the idea of construction traffic going through Old Tiburon was not workable and that it was a difficult site to develop; encouraged everyone to stay active and involved in the process and hopefully the safety issues would be addressed and that some day the property would be annexed into the Town of Tiburon.
2. George Landau, Sugarloaf Drive, said the EIR was 800 pages; he spoke ironically of the "cavalcade of trucks" that would be needed to develop the project in light of the Town's Climate Action Plan and emissions reduction goals; asked about the safety of the water tank in the event of an earthquake; said that the trails in the plan were not attractive nor did they connect with each other; said that noise is also a safety issue, according to OSHA.
3. Sue Brontovich, Mar West, said she loved living here because it was a "walkable city"; said she was passionate about open space preservation because she had been raised in the Silicon Valley which was once the "Fruit Basket" of the world and had now been paved over; agreed that the issues of traffic, noise, pollution, and vehicle, cyclist and pedestrian safety should be more fully addressed in the EIR; urged everyone to attend the Planning Commission hearing on April 25 at the County of Marin.
4. Russ Keil, Paradise Drive, said that two bonds should be sought to protect the Town and the County's interests; said that CEQA was not bound by lawsuits or MOUs and could "trump" the current project and default to the other two development alternatives; said that no one had ever approached the Kyle family to discuss the mitigation measure that required the cooperation of the family for an encroachment over their property; he asked that this be noted in the Town's letter.
5. David Barker, Lagoon View Drive, agreed that emergency access and egress should be highlighted in the comment letter; said that there would be an increase in traffic and that there was only one route in and one exit to the area; said that Easton Point would be the wildland interface, and it would be a gated community; he said the wind came from that direction.
6. John Goodhart agreed with the comments on landslide danger and said that the project places houses in known landslide areas and put the onus on property owners to deal with the consequences.

Mayor Slavitz closed the public comment period.

Councilmember O'Donnell said that the draft letter to the County was well written and came to the point. But he raised the issue of the cumulative effects, over time, of developing this property. He said that it would take at least a decade and would be a difficult project to develop. He said that EIRs never seemed to consider the economic ramifications of developing a project. O'Donnell also expressed concern over bicyclist safety on the streets in the neighborhood while construction was underway on Paradise Drive. He agreed with the suggestion to add language regarding the urban/wildland fire interface and difficult access to the property.

Councilmember O'Donnell said that the MOU that the Town had entered into with the owners of the Martha Property was an excellent document and established a good framework. He encouraged everyone to think more about a philanthropic rather than a protectionist approach in regard to this property.

Councilmember Fredericks also praised the staff for a good job in preparing the comment letter. She agreed with the Vice Mayor's advice to "drill down" more on the health and safety issues, such as line of sight, motorist and cyclist/pedestrian safety; also to talk more about the width and configuration of Paradise Drive.

Fredericks said that she, too, had questions about the wildland fire interface. She asked the Town Attorney if the Tiburon Fire Protection District would address this issue. She asked staff to let the Fire District know that the Town expected the District to address this issue and submit comments.

Councilmember Fredericks asked about requiring a completion bond for the project.

Councilmember Collins agreed that this was an important point, so that the developer would not create hazards from an unfinished projects; he said the bond language should state, "fix it and finish it."

Director of Community Development Anderson said that state law required bonding at the time of the filing of the subdivision maps.

Mayor Slavitz echoed his colleague's comments and said that although the County of Marin was the lead agency on the project, the Town was "still in it 100%" and that it would be a long process.

MOTION: To authorize Town Staff to send the draft letter and additional comments to the County of Marin.

Moved: Fredericks, seconded Fraser

Vote: AYES: Unanimous

3. Information Center at Ferry Plaza – Request for Direction regarding preliminary designs for an information center proposed for location at the Ferry Plaza (Town Manager Curran)

Town Manager Curran gave the report. She said that the concept was for the Town to join with other local organizations (the Chamber of Commerce, the Tiburon Peninsula Foundation (TPF), and perhaps other funding partners) to develop an "Info Center" somewhere on the Ferry Plaza to help visitors arriving in downtown to orient themselves to the area. Curran said that with initial funding from TPF, the Info Center Committee, comprised of Steve Sears, Leslie Doyle, Gary Lucas, and herself, had engaged graphics and sign designer Richard Graef of Sausalito to develop concepts for the Info Center.

Mr. Graef presented his designs to the Council. The two prototype signs had a "railroad theme" and were described in some detail. He said that the Town's railroad heritage had been selected over other themes, such as nautical. He said the sign needed to be visible above eye level, and proposed a sign that would be about 10 feet high. He described two versions of the sign, which would include a map and talk about the things to see and do in downtown Tiburon.

At the top of the sign, according to Graef, there would be an international symbol for information, which could be either an "i" or a question mark. He said that a barcode could be added that would link a traveler to the Town's website, using a cellular phone. Graef said it would be a "fun, delightful" structure.

Council asked some questions and provided feedback.

Mayor Slavitz asked about the base or pedestal of the sign and said it should be less bulky; he also questioned the need to go 10 feet high, and thought the same result (visibility) could be achieved at a lower height, at perhaps, eight feet.

Vice Mayor Fraser proposed a "Tiburon app" for cell phone use, and perhaps a multi-lingual one for tourists.

Councilmember Collins asked about the total width of the proposed sign (3 x 4 feet maximum and 8 – 10 feet high, according to Graef). Collins wondered about having a push button for information. Mr. Graef said that in his proposal, there were no moving parts, and the panels would be made of sturdy, affordable materials, thereby eliminating the need for a lot of maintenance.

Councilmember Fredericks commented that the location did not seem workable for people who arrived in town by car, and might miss it when they made the turn onto Main Street. She also thought that the sign might be placed near the existing newspaper stands, closer to where people disembarked from the ferry, or closer to the scooter parking, or even closer to Fountain Plaza.

Ms. Fredericks expressed concern that something "big and flashy was not consistent with how we view downtown". She said it would be helpful to have directional pointers to Ark Row and the Railroad Depot, as long as they were described and people knew what they were.

Gary Lucas, representing the Chamber of Commerce, said that the Chamber would maintain the sign and keep the information up to date. He said the location was ideal and by keeping it off the away from where ferry passengers disembarked, it would avoid gridlock.

Councilmember O'Donnell said it was an excellent idea, and he liked the location and design. He suggested including the Pt. Tiburon residents in the discussion of the design and placement.

O'Donnell also proposed that the materials and colors used might be made more consistent with the existing surroundings, for instance, to match the TPF historical plaques, or the color of the benches in ferry plaza. He also suggested that the map information be expanded to include the Tiburon bicycle "loop" around the peninsula, for those people who arrive by bicycle.

Councilmember Collins said that "we need the sign yesterday". He said it looked like an appropriate location but he did not like the "appendages" of one version, nor the height. He agreed that the bicyclist information was important, and also that the base should not be so bulky (a concrete base). He thought that maybe a lower profile, like the TPF signs, would be better.

Councilmember O'Donnell said he liked the directional signals (appendages) and thought that distances should be added to the information.

Mayor Slavitz said he preferred one sign option over the other; the one with the slanted map placards. He said the "Welcome to Tiburon" sign halfway up the pole was not necessary, and he preferred the "i" to the question mark for information. Slavitz said he thought the sign could be seven-feet high and still visible. He agreed that a blending or matching of existing colors in the area was desirable. He said "no" to lighting of any sort.

Vice Mayor Fraser said he liked the railroad theme; Councilmember Fredericks did not.

Vice Mayor Fraser asked whether the project could be expedited, and approved by the Council by its May 18 meeting.

Town Manager Curran reiterated the Council's comments and said that the committee would meet once again to discuss their direction. She noted that four out of the five Councilmembers liked the second design over the first one presented. She noted that the question of location was not locked in and would be discussed further.

Gary Lucas offered to build a mock-up of the sign for viewing in the plaza.

Curran said that the Town had had a "free ride" on the project so far, and asked for authorization to move forward using Town funds up to \$10,000 (a three-way split with the Chamber and TPF for a total project cost of \$30,000). Council concurred.

4. **Appointment of Replacement for County Supervisor Charles McGlashan (District 3)**
– Resolution urging Governor Jerry Brown to appoint Mill Valley Councilmember Shawn Marshall to fill the vacancy left by Supervisor Charles McGlashan (Councilmembers Fredericks and Collins)

Town Manager Curran said the item had been brought forward by Councilmembers Collins and Fredericks.

Councilmember Collins said that he had worked with Councilmember Marshall on the Marin Energy Authority Board of Directors and said she was highly qualified to carry on the work of Supervisor McGlashan.

It was also noted that Ms. Marshall was first in line on the late Supervisor's list of successors, among many other qualifications listed in the resolution.

MOTION: To adopt the resolution, as submitted.
Moved: Collins, seconded by Fredericks
Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

Councilmember Fredericks noted that the North Bay Division of the League's next meeting was in Marin County on April 28, in Novato. She encouraged participation in this meeting, at which League Executive Director, Chris McKenzie, was the featured speaker.

TOWN MANAGER'S REPORT

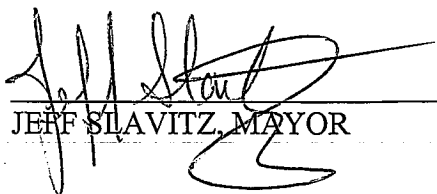
None.

WEEKLY DIGESTS

- Town Council Weekly Digest – April 8, 2011
- Town Council Weekly Digest – April 15, 2011

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 10:35 p.m.



JEFF SLAVITZ, MAYOR

ATTEST:


DIANE CRANE IACOPI, TOWN CLERK