

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Fredericks called the regular meeting of the Tiburon Town Council to order at 7:33 p.m. on Wednesday, August 4, 2004, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Fredericks, Gram, Smith
ABSENT: COUNCILMEMBERS: Slavitz

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

ORAL COMMUNICATIONS

None.

INTRODUCTION OF NEW TOWN EMPLOYEE

- Kristin Krasnove, Assistant Planner

Director of Community Development Anderson introduced the newest member of the planning staff, Kristin Krasnove. Anderson said that Ms. Krasnove had come to the Town by way of a consulting agency in San Luis Obispo and had also worked for the city of Arroyo Grande, on the Central Coast. He said that she was a graduate of UC Berkeley and had gotten her Master's Degree in Planning at Cal Poly San Luis Obispo.

The Council also welcomed Ms. Krasnove to the Town. She said that she was happy to be here and look forward to working in Tiburon.

CONSENT CALENDAR

1. **Approval of Town Council Minutes – July 21, 2004**

2. **Recommendation by Town Manager** – Budget Amendment for MERA Operating Expenses Fiscal Year 2004-05

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

PUBLIC HEARING

3. **Recommendation by Director of Public Works/Town Engineer** – Proposed Installation of Permanent Restroom Facility at South Knoll Park

Director Echols gave the report. He said that the Town had planned to install a permanent restroom near South Knoll Park for the past several years which had been approved in concept by the Council for the FY 2003-04 budget. He said that the permanent restroom would replace the portable facility located along the Multi-Use path between McKegney Green and the playground and would be located approximately 10 feet south of the path. He said that the footprint of the building was 10.7 by 12.7 feet with a maximum roof height of 11 feet.

Director Echols said that the proposed project had been reviewed by the Parks and Open Space Commission, the Design Review Board, as well as the Bicycle Pedestrian Advisory Committee, all of whom had expressed support. He said that the Board had received comments from residents of Pine Terrace who favored locating the facility farther away from their homes. Echols showed several photo-simulations of the original location, plus two alternatives, for the Council's review and comment.

Director Echols said that Staff had recommended the original site because no grading or retaining wall would be required, and it was the shortest distance to run a line from the existing sewer. The second proposal would shift the restroom facility towards the existing playground and the third site, the one favored by the Pine Terrace neighbors, was 30 feet back from the second site.

Echols estimated that it would cost about \$2,500 to extend the sewer line to either site No. 2 or site No. 3.

Councilmember Smith commented that the Design Review Board had also discussed different materials for the building, such as wood shingles.

Director Echols said that a wood façade and shingles would add another \$2,000 to the cost of the project. He also noted that weather might require replacement of these materials in 10 years. He stated, however, that there would be plenty of plant screening surrounding the building which would most likely preclude the need for special materials.

Mayor Fredericks said that she would support the No. 3 location because it was less visible from Pine Terrace and moved the activity away from the homes there.

Councilmember Smith suggested that because the alternate locations would not be as visible from the Multi-Use Path, perhaps signage could be added to let people know that there was a restroom facility in the area.

Mayor Fredericks opened the public hearing.

Bill Tiedje, 30 Pine Terrace, thanked Director Echols for addressing the neighbors' concerns and said that the No. 3 location was the one favored by the neighborhood. He said that there should be adequate plant screening and asked that the Council ensure, through a condition of approval, that it would be maintained in the future.

Mayor Fredericks closed the public hearing.

Councilmember Berger agreed that Site No. 3 was a preferable location.

With regard to the design of the proposed facility, Berger said that he would like to see something "more special" to Tiburon's historic character. He showed Council and the public some black and white photos of old buildings formerly in or near that location, such as an old dairy barn, a bunkhouse located at the Trestle, the Hilarita train station, and an old "out house." He said that the proposed building, while serviceable, was "Forest Service-like."

Councilmember Smith also said he preferred Site No. 3, as long as there was on-going maintenance of the landscaping and the addition of signage. He said that he was "design neutral."

Director Echols said that the proposed design matched the existing restroom facility at Blackie's Pasture and noted that the cost of the prefabricated "kit" was \$19,000. He said that alternate designs could be provided to the Council at the time of approval to see if there was any interest at that time.

Councilmember Gram concurred with moving the proposed facility to the No. 3 location for an additional \$2,500, but cautioned against spending the extra money for a special design since there were no funds as yet appropriated in the current year's budget for the project. In addition, he said that the Town still faced budget take-aways from the State. In conclusion, Gram recommended that the Council approve the current design and location for a cost of \$40-\$42,000.

Mayor Fredericks reiterated that she would favor the No. 3 location, because it reflected the desire of the neighborhood, and the existing design.

MOTION: To approve Site No. 3 for the permanent restroom facility at South Knoll Park and direct Staff to come back with plans for the project including the current design specifications plus some design alternates for Council's approval.

Moved: Gram, seconded by Berger

Vote: AYES: Unanimous
ABSENT: Slavitz

4. **Report by Advance Planner** – General Plan Update: Goal, Policy and Program Refinement – Parks & Recreation Element Issues Paper

Advance Planner Bryant said that as part of the General Plan Update process, the Planning Commission held a meeting on July 14, 2004 to discuss the goal, policy and program suggestions contained in the Parks & Recreation Element Issues Paper. After receiving input from the public at that meeting, including from two members of the Parks & Open Space Commission, the Advance Planner stated that there were three areas in which Staff now sought the Council's comments and direction:

- 1) Blackie's Pasture – whether the area presented in the Issues Paper is the correct area to designate for "passive recreational use";
- 2) Future of Town's Recreational Needs – whether to specify that a Master Plan for recreational services be developed in collaboration with the City of Belvedere, Jt. Recreation Department, and others;
- 3) Parks Improvement and Maintenance – whether to implement a Planning Commission recommendation to create a special budget and funding sources for the above.

Council had the following comments and questions:

Item No. 1:

Gram – What does "undeveloped area" mean with regards to Blackie's Pasture?

Bryant – No irrigation (like McKegney Green); left "as is," no buildings, paved paths, etc.

Gram – If irrigation well is successful, possibility of beautifying area?

Berger – Is it appropriate to hold special events there from time to time, such as the Millennium Bonfire?

Item No. 2:

Fredericks – Care must be taken in the use of demographics to project future needs.

Bryant – Population changes in the last 10 years have been extrapolated; the same information was also utilized during the hearings chaired by the Skate Park Task Force.

Fredericks – School Districts think of these changes as a “bubble” rather than a trend; more information should be developed.

Mayor Fredericks opened the public hearing.

Karen Carerra, President of Belveron Homeowner’s Association, said she supported the concept of a long-term Master Plan to develop more recreational opportunities, especially for children, teens and seniors. She said that there were 72 children in her neighborhood alone.

Ms. Carerra said that the only recreational resources available to families with children were the Town’s parks and the [private] Tiburon Peninsula Club. She said that it would be nice to have a recreation center, like Mill Valley’s, which the Town could be proud of. She said that seniors needed a place to go, as well.

With regard to the use of Blackie’s Pasture, Ms. Carerra said that the area should be maintained for passive recreational use only, with no development, and occasionally for special events such as the one held in May [40th anniversary of the Town’s incorporation].

Councilmember Smith asked Ms. Carerra where she thought a recreation center could be located. She replied that a good location would be in the area behind the [Belvedere-Tiburon] library.

Mayor Fredericks said that the proposed library expansion (planned for that location) already included a community room that would serve the needs of various age groups.

Councilmember Smith said that he asked the question because of the difficulty of finding a suitable location in Tiburon. He said that this was an issue that was raised during the Skate Park Task Force hearings, as well.

Christopher Wand, 5 Burrell Court, President of the Reedlands Homeowner’s Association, said that the use of Blackie’s Pasture was an important issue to his group and that they were in favor of passive use of the area, with little or no development.

With regard to recreational needs, he wondered how the Town would pay for a recreation center, and where it would be located.

Councilmember Gram stated that in his mind, fund-raising was not an issue but that finding a suitable location was.

Wayne Snow, 100 Jefferson Drive, thanked Staff for the time spent on the Issues Paper. He especially acknowledged Advance Planner Bryant for being a “great planner” who had conducted “good public outreach.”

Mr. Snow urged the Council to take a strong position concerning the continued passive use of Blackie’s Pasture. He said that not all areas needed to be groomed or beautified. Snow also stated that a General Plan with specific language concerning the use of Blackie’s Pasture could be utilized by Staff and Town Commissioners now and in the future to show that it was the desire of the community to leave this defined area in its “natural state.”

Bruce Abbott, 458 Greenwood Beach Road, said that it was his personal desire that the area be preserved for passive use in keeping with the intent of its acquisition, and to keep it from being diverted to a “specific, singular, or private use.”

Vice Mayor Berger asked Mr. Abbott’s opinion about special events in the area.

Although Mr. Abbott stated that he did not favor that proximity of a large [bon] fire to the homes on Greenwood Beach Road, he thought that other occasional special uses, such as community picnics, would be appropriate.

Joyce Tayer, resident of the Reedlands, said that like Mr. Abbott, she was on the “front line” of [proximity to] Blackie’s Pasture. Mrs. Tayer said that Blackie’s Pasture was for use by the whole of the community and that its open space beauty should be maintained with little or no manicured landscape. She noted how fast trees in that vicinity grew and noted that she had petitioned the Town for the removal of some that were in her line of sight. She said that it would be a shame to have that happen again [as a result of too much landscaping].

Mrs. Tayer also stated that it would be appropriate to designate the passive use of the area in the General Plan so that she and others did not have to maintain “constant vigilance” over the use applications that came before the Town from time to time, and so that the Town could “say no” to future requests like the proposed skatepark.

Helen Lindqvist, 3 Cazadero Lane, said that she echoed Planning Commissioner Kunzweiler’s remarks to preserve the area for “passive AND recreational” use, noting that a perfect spot for the skatepark would have been behind the railroad trestle near the road where noise would not be an issue. She cautioned the Council against “shutting off” future use of that area [for recreational uses].

Mrs. Lindqvist also said that she favored more water access and especially an area in which to launch kayaks and canoes that would be friendly to foot traffic rather than vehicles with trailers.

Priscilla Tripp, member of the Jt. Recreation Committee, agreed with the previous commentary. She said that the Recreation Committee suffered from a lack of space and that a recreation center would be great but would take both creative thinking, as well as funding.

Mayor Fredericks asked if there were programs currently not offered by the Recreation Committee that could “pay their way” (if there were space available)?

Mrs. Tripp cited examples such as gymnastics classes. She also stated that larger classes of current offerings could be developed if there was space available.

Mayor Fredericks closed the public hearing.

Councilmember Smith said that he could envision a room full of people favoring the location of a recreation center at Blackie’s Pasture; however, he said that he had heard “loud and clear” from the community that it wanted to leave the Pasture as is.

Smith also commented on McKegney Green and South Knoll park.

With regard to the latter, Smith said that he would like to see the unirrigated portion (on the downhill slope near the Bay) become irrigated and more “user friendly,” but he noted that the uphill portion did not seem to get much use either.

Smith said that he concurred with the Planning Commission’s perception that the entire area, which included the Multi-use Path all the way to San Rafael Avenue, was “one entity.”

Planner Bryant said that he too thought of the Richardson Bay lineal Park as one entity, consisting of 47 total acres, connected by a path, with three or four distinct areas.

Bryant said that when people say, “don’t change Blackie’s Pasture,” they probably have different ideas about what “Blackie’s Pasture” is. He asked for Council’s comments on that question.

Councilmember Smith said that the community wanted Blackie’s Pasture to be left “as is;” that he was unsure about additional irrigation there; and that the occasional special event in that location was permissible. He also said that in 20 years things might be different.

Smith said that people seemed satisfied with the uses of McKegney Green and South Knoll and that the Richardson Bay Lineal Park should be left as is. However, he said he would like to see more irrigation at South Knoll and perhaps some plants along the paths there.

Vice Mayor Berger said that 20 years from now Blackie’s Pasture would probably be the only “undeveloped, untampered with, piece of dirt that will remain” of the way Tiburon once looked. He said that it should retain its “rough and ready, shoreline look.” He said that he heard this over

and over again from people and that it would do a “great service for the spirit and heart of Tiburon” to keep it this way.

Vice Mayor Berger said that irrigation in that area would be “tricky;” that it was heavily used, all the time, and that its “naturalistic look” should be maintained, along with its passive use.

Councilmember Gram said that Blackie’s Pasture should be maintained for passive, informal recreational use. He said that there should not be a lawn but that perhaps the area around the Pasture could be enhanced with some sort of landscaping. He said that he thought it just did not look that attractive as one drove into Town.

Gram said that even though there was not a lot of demand for use of the South Knoll area now, there might be in future, so that some flexibility over its use should be preserved.

Vice Mayor Berger concurred with this sentiment.

Mayor Fredericks said that the Town had considered safety improvements to Tiburon Boulevard in the vicinity of Trestle Glen and suggested that a policy be flexible enough to accommodate a possible relocation of the entrance to Blackie’s Pasture in the future.

She said that Blackie’s Pasture had the “look of the hills and open space” so that care should be taken with any irrigation. She concurred that the unirrigated portion of South Knoll Park could be made more useable for passive, recreational use, but she also noted that its “fantastic view” should not be obstructed with bushes or structures.

Mayor Fredericks asked for more Council comments on the idea of a Master Plan for recreation.

Councilmember Smith commented that a perfect spot for a recreation center was the Reed School site and that if that area ever become available, the Town should try to acquire it. He also said that the most “interesting” site in his mind was the vacant property adjacent to (and owned by) the Tiburon Peninsula Club.

The Councilmember agreed with the Mayor’s caution on the use of demographics and stated that he was a proponent of a recreation center after the “demise” of the skatepark idea.

Smith said that a “piecemeal” approach to the Town’s recreational needs might be an interim solution and could be addressed through programs and facilities at the library and schools, including St. Hilary and Kol Shofar, because that the Town had yet to find one suitable location.

Vice Mayor Berger agreed with the “piecemeal approach.” He also mentioned the former Sloat Garden Center as an interesting location for a recreation center.

Mayor Fredericks asked for comments on the idea of a budgeted plan for recreational needs.

Councilmember Gram said he agreed with Staff's recommendation that the General Plan be "general," not specific, in nature. He said that a Master Plan was for specifics and favored the idea.

Gram said that one day a specific site would become available for a recreation center, but that currently one did not exist.

Mayor Fredericks said that she supported the study of specific recreation needs and a budget for the Master Plan process which would "maximize" community input while allowing the General Plan to address the broader concepts.

Councilmember Smith added that he too favored launch areas for kayaks and canoes, but that they should be located closer to the downtown area.

Vice Mayor Berger added that there was a need for an additional restroom facility on the waterfront near the Caprice Restaurant.

That concluded the discussion of the Issues Paper.

REGULAR AGENDA

5. **Recommendation by Director of Community Development and Director of Public Works/Town Engineer – Revisions to Landslide Mitigation Policy**
 - a) A Resolution of the Town Council of the Town of Tiburon Adopting a Revised Landslide Mitigation Policy

Director Anderson said that the landslides and unstable soils were common on the Tiburon Peninsula due to its history and topography. For decades, the Town maintained an informal policy regarding the repair of landslides which was formalized in 2000, according to Anderson. He said that as the "art/science" of geotechnical engineering over the last few decades, Staff recommended that the Town's landslide policy be revised to reflect the increased sophistication of analysis and variety of mitigation features, which he spelled out in the proposed update to the policy.

Anderson said that the Town's current landslide repair policy focused on the "full repair and elimination" of nearly all landslides, but he noted that the Town's preferred option when dealing with potential landslides was one of avoidance, and this was addressed in the Town's General Plan. When avoidance is neither feasible nor appropriate, the new policy establishes the framework in which excavation or reconstruction might take place through the establishment of different risk "levels."

Councilmember Smith asked for clearer definitions of the risk levels.

Councilmember Smith also asked whether the policy was broad enough to apply to re-model projects and was told by Director Anderson that it was. Councilmember Gram added that he was required to take mitigation measures on his [home] project in 1978.

Councilmember Gram asked if the Town could only take action under the policy if a [development] application was on file.

Anderson stated that the only time the Town could require mitigation was on private property.

Gram also asked whether any other cities or towns had similar policies. Anderson replied that the proposed policy was similar to one adopted by the City of San Rafael.

Mayor Fredericks asked under what circumstances would the policy prevent the repair of a landslide in order to avoid loss of natural resources.

Director Anderson said that implementation of the policy might not be that severe but that it might be that the solution lay in a different design, or a requirement to fix the landslide in order to protect other areas, such as a ridgeline or endangered species habitat.

Mayor Fredericks opened the public hearing.

Helen Lindqvist, 3 Cazadero Lane, asked how the Town would deal with potential slides outside of its jurisdiction, such as the Easton Point property in order to protect Tiburon residents who lived down slope from the project.

Director Anderson said that the Town would have numerous opportunities throughout the development process [due to CEQA regulations] to comment and have input with the County's Planning Department.

Mayor Fredericks asked how the Lyford's Cove/Old Tiburon Homeowner's Association could receive notice of County hearings on this and other projects. Anderson said that the Association could be included on the County's "club list" for this project if they asked for it.

Mayor Fredericks closed the public hearing.

Director Anderson said that the Town's soils consultant had submitted a letter commenting on the proposed policy but was out of Town for the meeting. He said that Staff had also received comments from the public and he recommended that the Council continue the hearing in order to allow Staff and Council to further review these items.

Council continued the matter.

COUNCIL, COMMITTEE AND COMMISSION REPORTS

Vice Mayor Berger reported that he and Mayor Fredericks had attended an Executive Forum in Monterey, sponsored by the League of California Cities, and that the Town was “covered” in comparison with some other small cities/towns with regard to the State budget crisis. He acknowledged the work of Council and Staff in this regard.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – July 23, 2004

Town Council Weekly Digest – July 30, 2004

The Town Manager pointed out articles concerning:

--State Budget (the anticipated receipt of VLF monies)

--NY Times article regarding MERA

--September 15 date for Lyford Cove Undergrounding Assessment District hearing

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Fredericks adjourned the meeting at 9:15 p.m., to the next regular meeting scheduled for Wednesday, August 18, 2004.

ALICE FREDERICKS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK