

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Acting Mayor Smith called the regular meeting of the Tiburon Town Council to order at 7:37 p.m. on Wednesday, May 4, 2005, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Gram, Slavitz, Smith

ABSENT: COUNCILMEMBERS: Berger, Fredericks

PRESENT: EX OFFICIO: Town Manager McIntyre, Director of Community Development Anderson, Director of Administrative Services Bigall, Chief of Police Odetto, Director of Public Works/Town Engineer Echols, Town Clerk Crane Iacopi, Advance Planner Bryant, Assistant Planner Krasnove

INTERVIEWS

- Planning Commission (7:10 p.m.) – Donald Pino, 108 Marinero Circle
- Design Review Board (7:20 p.m.) – Nadine Hill, #7 Heathcliff Drive

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

None.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. **Approval of Town Council Minutes** – April 20, 2005
2. **Recommendation by Town Attorney** – Authorize Town Manager to Convey Property located at 20 Marsh Road

- a) A Resolution of the Town Council of the Town of Tiburon Authorizing the Town Manager to Execute Documents Related to the Sale of 20 Marsh Road, Tiburon, CA and The Conveyance of the Property to Gary Fitzgerald

MOTION: To adopt Consent Calendar Item Nos. 1 and 2.

Moved: Slavitz, Gram

Vote: AYES: Unanimous

ABSENT: Berger, Fredericks

REGULAR AGENDA

3. **Recommendation by Town Manager** – Creation of Marin General Services Agency and Termination of Marin Street Light Joint Powers Authority

- a) A Resolution of the Town Council of the Town of Tiburon Approving the Joint Powers Agreement Creating the Marin General Services Authority and Authorizing the Mayor to Sign the Agreement on Behalf of the Town of Tiburon
- b) A Resolution of the Town Council of the Town of Tiburon Authorizing the Termination of the Marin Street Light Acquisition Joint Powers Authority

Council waived the staff report.

Acting Mayor Smith opened and closed the public hearing. There was no public comment.

In response to a question from Councilmember Slavitz, Town Manager McIntyre confirmed that the Town Attorney had reviewed the agreement; he said that all of the Town's concerns had been conveyed to the members of the JPA but that only half of the Town's recommendations had been included in the final draft.

Acting Mayor Smith asked about the cost-sharing formula (between cities). He asked if each member cities' contribution was based on population, assessed value of real estate, and other components, as stated on page 7. The Town Manager said that this formula was the same one that had been used by the Street Light JPA and was unchanged in the new agreement.

MOTION: To adopt Resolution a) above, as written.

Moved: Gram, seconded by Slavitz

Vote: AYES: Unanimous

ABSENT: Berger, Fredericks

MOTION: To adopt Resolution b) above, as written.

Moved: Slavitz, seconded by Gram

Vote: AYES: Unanimous

ABSENT: Berger, Fredericks

4. **Report by Director of Public Works/Town Engineer** – Update on MMWD Pipeline Replacement Project along Tiburon Boulevard and Request for Direction Regarding potential Impacts and Restoration

Director of Public Works/ Town Engineer Echols described the upcoming MMWD pipeline replacement project. He said that it consisted of replacing two old cast iron pipes with a new, larger pipe, which had been identified in the District's Fire Flow Master Plan (FFMP) and Reliability Plan as critical and were, in fact, the main supply of water to the Town. He said that the purpose of the new water main was to assure that the water supply would be available for fire fighting and domestic use on the Tiburon peninsula in the event of a major earthquake.

Mr. Echols said that preliminary project plans indicated that the new pipeline would be located along the northern edge of the multi-use path, beginning at South Knoll Park, continuing to San Rafael Avenue and ending in the vicinity of the bus stop across from the intersection of Ned's Way. He said that the path would be accessible to the public during construction and that MMWD would create a six-foot wide temporary path adjacent to the existing paved path. In addition, Echols said that MMWD would need to excavate a two to three-foot wide level surface north of the path which would necessitate removal of some existing landscaping and irrigation.

Mr. Echols said that while the project would create some impacts to users of the path during construction, it also presented opportunities to the Town for improvements to the area. He asked for Council's direction on the following recommendations, which had arisen during discussions with MMWD as well as from input from members of the Town's Bicycle & Pedestrian Advisory Committee (BPAC):

1. Restore asphalt pavement including an additional two feet along the northern side of the path and restore a four to six-foot wide pedestrian/jogging surface composed of stabilized decomposed granite ("DG") which had also been used for recent improvements in the "Blackie's Grove" area;
2. Same as above, but to utilize a rubberized pavement surface for the running portion of the path;
3. Restore path to its pre-existing condition including an improved DG walking/jogging surface.

The Town Engineer said that the first two alternatives were consistent with the general recommendations of BPAC in their draft Multi-Use Path Plan.

Town Engineer Echols said that the BPAC members thought that the creation of a “shoulder” on the north side of the path would provide additional “refuge” for pedestrians from bicycles.

Echols said that he would also recommend “shifting” the path slightly (during reconstruction) to allow for the creation of a shoulder on both sides of the newly restored path. He said that this could be easily accomplished given that MMWD would have to restore the temporarily paved portion of the path (on the southern side) which would easily be turned into a new shoulder. The Town Engineer said that the above recommendations could be solicited as bid alternates by MMWD.

Town Engineer Echols said that the encroachment permit issued by the Town for work on the Town’s right of way could include conditions pertaining to construction times. He said that the project was estimated to last three months; that standard encroachment permit work hours were 8:00 a.m. to 5:00 p.m. (Monday through Friday). Mr. Echols proposed allowing extended work hours (7:00 a.m. to 6:00 p.m.) which MMWD said would shorten the project time by two weeks.

Echols also discussed the impacts of the project on traffic along Tiburon Boulevard. Council recommended coordinating parking (for construction workers at Blackie’s Pasture) and construction start times to avoid school traffic jams and impacts on children using the path to walk to school.

In addition, Council recommended that the Town Engineer get an estimate from MMWD to widen the “cut” between South Knoll Park and the tennis club in order to continue the DG shoulder(s) all the way to the park; and to get an estimate for the installation of new retaining walls in the “cut.” It was suggested by Council that a “cost sharing” arrangement might be worked out with MMWD for this work.

Acting Mayor Smith opened the public hearing.

Tyler Phillips, BPAC Chair, said that the two DG “shoulders” recommended by the committee would be both aesthetically appealing and would “naturally” direct people to the sides of the path when bicyclists came by. He said this was an ideal time to make improvements to the path while the equipment was in place and construction was underway.

Mr. Phillips agreed with the recommendation to widen the cut (“take four feet out of the ‘notch’”) and suggested that MMWD be asked to do the entire path [in DG] from “Blackie’s Pasture to the Library.”

Acting Mayor Smith closed the public hearing.

Councilmember Gram said that the multi-use path was the Town’s “most valuable asset;” Councilmember Slavitz said that as the path was used more and more a capacity problem was

developing which could be addressed with the recommended improvements; said he would prefer the DG to a rubberized surface because it had a more “natural” look and feel.

Councilmember Gram agreed, stating that the timing was right to improve the capacity of the path. He agreed that it would be a good idea to widen the gap at the “notch.”

Acting Mayor Smith concurred with the statements of his fellow councilmembers and said that staff should find out whether MMWD would do the excavation at the notch; he suggested that Staff develop cost scenarios and pro’s and con’s for all of the alternatives listed above.

Town Manager McIntyre pointed out that the project, set to commence in September, would probably coincide with the beginning of construction in the Lyford Cove Utility Undergrounding Assessment District, as well as the start of the school year.

Council also asked the Town Engineer and Chief of Police to work with MMWD to minimize traffic impacts, and to develop information with regard to cost impacts [to the project] for alternative work hours and possible Saturday work.

5. **Recommendation by Town Engineer/Director of Public Works** – Award of Contract for Installation of Solar Panels at Town Hall – *continued from April 20, 2005*

Council heard a brief presentation by energy consultant, Chris Nelder. Council continued the item to a future meeting pending further discussion with Town staff of the Town’s insurance and contract requirements.

6. **Recommendation by Town Manager** – Authorize Town Manager to Negotiate and Execute Agreement for Retention of Public Opinion Survey Firm

Acting Mayor Smith said that the idea of “customer service” survey had been raised at the Town Council/Staff retreat in February.

Since that time, Town Manager McIntyre said that Staff had researched the different methodology of performing such surveys and had come up with a recommendation to hire a consultant, Godbe Research (GR), of Half Moon Bay, to develop a questionnaire and perform a telephone survey of 400 randomly selected residents. He said that calls to Field Research had gone unanswered.

McIntyre said that GR had been retained for similar surveys by the City of San Rafael, the City of Novato and that GR had also conducted voter surveys for the Marin County Congestion Management Agency (CMA) prior to the successful ballot Measure A campaign.

The Town Manager said that the telephone survey could also include questions which would be helpful to the downtown economic development committee of the Chamber of Commerce. This portion was broken out in the Godbe proposal as a separate line item.

Town Manager McIntyre recommended that the Council authorize him to negotiate and execute an agreement with Godbe Research in an amount not to exceed \$19,525 for the purpose of developing and executing an 18-minute customer satisfaction survey of the Town's organization and services, and an 8-minute downtown survey.

Councilmember Slavitz expressed concern at the length of the survey, citing his own experience receiving calls at home from telephone surveyors. He wondered whether a mail survey might be more effective.

Sean Bridge, MBA, Associate Research Director of GR, replied to the above question. He said that telephone surveys had proven to be more cost effective and that mail surveys only yielded a 5-10% response.

In response to further questions from Council, Mr. Bridge described how data was collected and scored ("data points"); he also discussed the length of the survey, and how questions were refined with a live person on the telephone.

Acting Mayor Smith opened the public hearing.

Jennifer Moss-Clay, Tiburon Lodge General Manager, said that she was part of the downtown development committee which had been trying to "foster the rebirth and redevelopment of downtown" Tiburon. Ms. Moss-Clay said that participation in the survey would provide the opportunity to learn more and possibly to unearth new ideas.

Acting Mayor Smith asked Ms. Moss-Clay whether the committee would be willing to participate in the funding of the survey; she said that the participation she referred to was not monetary.

Councilmember Gram said that he would prefer a customer satisfaction survey form right at the Town Hall counters; an alternative would be an internal audit, similar to one recently undertaken by the City of Belvedere.

Councilmember Slavitz said that he liked the idea of citizen input and leaned toward the idea of a mail survey.

Town Manager McIntyre said that he had solicited community input (regarding the downtown) through recent newsletter articles and had only received two responses.

In response to a question from Councilmember Slavitz, Advance Planner Bryant said that he had received 400 responses to a recent General Plan [mail] survey.

Councilmember Slavitz suggested that staff contact the City of San Rafael to see what kind of data they got from their customer service survey and what they had done with this data.

Acting Mayor Smith said that he would like more information, as well as the input of the two absent councilmembers, before making a decision on whether or not to spend \$20,000 on a survey. He added that the Council was envisioning more of a “low tech” approach to a survey, such as a card at the counter previously mentioned by Councilmember Gram.

Smith said that there was a value in offering people an opportunity to comment while recognizing that the comments may focus primarily on limited contact with Town Staff, primarily in the planning and building divisions.

Council directed staff to develop more information on survey alternatives, possibly utilizing the services of Godbe Research to develop a survey, and to study the matter further.

Councilmember Gram also suggested an interactive survey on the Town’s website.

Later in the meeting, Greg Price, 51 Taylor Road, suggested that the Town utilize the opportunity during “Friday Nights on Main” to have a booth and provide a survey to the public.

7. Recommendation by Director of Community Development – Review and Adoption of Amended Standards Pertaining to Approval of Secondary Dwelling Units

- a) A Resolution of the Town Council of the Town of Tiburon Amending the “Standards for Secondary Dwelling Units”

Acting Mayor Smith said that the Town’s recent adoption of standards was a result of recent changes in State law; he said that the Planning Commission recommended certain changes to aid the process of ministerial review.

Advance Planner Bryant said that the Town’s current standards made a distinction between any new development (which it limited to 400 square feet) and finished space (which allowed secondary dwelling units up to 1,000 square feet). He said that the Planning Commission recommendation to raise the square footage to 500 for new construction was more consistent with current Design Review Board guidelines and allowed more flexibility in designing space for limited floor plans.

Acting Mayor Smith opened the public hearing.

Greg Price, 51 Taylor Road, said that it was “impossible” to design within a 400 square foot limit; that 500 square feet allowed more flexibility; and suggested that a 600 square foot limit be added that would trigger a review by DRB.

Acting Mayor Smith closed the public hearing. He concurred with Mr. Price’s remark that 400 square feet was not viable to develop secondary units.

MOTION: To adopt amended secondary building units standards resolution, as written.

Moved: Slavitz, Gram

Vote: AYES: Unanimous

ABSENT: Berger, Fredericks

COUNCIL AND COMMITTEE REPORTS

None.

WRITTEN COMMUNICATIONS

Town Council Weekly Digest – April 22, 2005

Town Council Weekly Digest – April 29, 2005

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Acting Mayor Smith adjourned the regular meeting at 9:08 p.m., in memory of Larry Lasater, fallen [City of Pittsburg] police officer, father, and Marine Corps veteran.

PAUL SMITH, ACTING MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK