

**TOWN COUNCIL  
MINUTES**

**CALL TO ORDER**

Mayor Tollini called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, November 2, 2016, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**ROLL CALL**

PRESENT: COUNCILMEMBERS: Doyle, Fraser, Fredericks, O'Donnell, Tollini

PRESENT: EX OFFICIO: Town Manager  
Chanis, Town Attorney Stock, Director of  
Community Development Anderson, Director of  
Public Works/Town Engineer Barnes, Director of  
Administrative Services Bigall, Chief of Police  
Cronin, Town Clerk Crane Iacopi

**ORAL COMMUNICATIONS**

None.

**PRESENTATION**

- Congratulations to Mary Rogers on her 100<sup>th</sup> Birthday – (Mayor Tollini and Staff)

Mayor Tollini welcomed Mary Rogers and congratulated her on the occasion of her one hundredth birthday. Town Clerk Crane Iacopi introduced the group and the Council to Mary Rogers. She said Mary and her husband, Cam, moved to Tiburon when they retired, looking for a modest house and a place to sail their boat. They have lived in Old Tiburon for 50 years.

Before retirement, Mary worked as an Avon cosmetics lady and is the author of two books about women and money. Town Clerk Crane Iacopi said she met Mary fifteen years prior when she was the representative to the Marin Commission on Aging, and has always been active in civil affairs, like the League of Women Voters, as a poll worker, and as a docent and bookkeeper for the Angel Island Association. Mary credits her longevity to hiking the hills of Tiburon. Town Clerk Crane Iacopi invited the crowd to join her in wishing Mary Rogers a happy birthday.

Mayor Tollini presented Mary with a congratulatory plaque from the Town of Tiburon and Town Clerk Crane Iacopi presented her with a bouquet of flowers.

**CONSENT CALENDAR**

1. **Town Council Minutes** – Adopt minutes of October 5, 2016 Regular meeting (Town Clerk Crane Iacopi)
2. **Town Council Minutes** – Adopt minutes of October 19, 2016 Regular meeting (Town Clerk Crane Iacopi)
3. **Town Investment Summary** –Accept report for month ending September 30, 2016 (Director of Administrative Services Bigall)

MOTION: To adopt consent calendar Item Nos. 1 through 3, as written.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Unanimous

### **ACTION ITEMS**

1. **McKegney Green Update**–Discussion of Council Sub-Committee recommendations and possible consideration of contract award for design (Town Manager/Department of Public Works)

Town Manager Chanis invited the Council and attendees to view an overview of the balances of various discretionary and restricted reserve funds that fund local capital projects. He said this may be useful to keep in mind as the Council discusses several budgetary items tonight that will presumably be included in a long term Capital Improvement Plan.

Chanis then moved into his staff report for the McKegney Green Update.

He said several members of the Council have been working with staff and members of the community since Spring 2015 to determine the Town's interest in doing a renovation project on the field and to decide on a scope of work.

The last action on this item was to appoint a subcommittee consisting of Councilmember O'Donnell and Councilmember Doyle. Staff met with the subcommittee a month prior to this meeting and received the following recommendation and preferred scope of work for the project: 1) Retain the existing size field (75,000 square feet) of sand-based turf, 2) Remove the existing crown in the middle of the field, and 3) Include improvements to drainage and potable irrigation (a departure from the current source of recycled water). The estimated cost would be \$1.6 million.

Chanis reminded Council that over the course of four to five meetings, Council has considered upwards of fifteen different scopes for this project, and now that we have a preferred recommendation, the other question to answer is how this project will be funded. There are four general funding options: 1) The Town pay for the project in entirety, with majority of funds coming from unallocated General Fund reserves, 2) the Town pay for the project in entirety, but rather than taking money from reserves, finance the debt, 3) take private donations from the community, or 4) some combination of the above options.

Chanis said the next step in the project is to get a design if Council is comfortable with the scope of the project recommended by the subcommittee. Based on this new scope, the revised design proposal would be \$54,070. He concluded his staff report and invited questions from the Council.

Councilmember Fredericks asked if there would be a stream of revenue to pay off any debt undertaken (such as fees to use the field). Chanis answered that there would not be a dedicated revenue stream. He said the Town intends to continue charging a use fee for the soccer field, but does not anticipate that this fee will be enough to cover the maintenance costs. Fredericks clarified that the funds used to pay the debt would come from the General Fund, and over time, those monies would be competing against other future projects or operating expenses. Chanis confirmed.

Councilmember O'Donnell approximated the debt payment. Chanis replied that he had conversed with other colleagues in municipal finance and their recommendation would be to take a 3.5% interest rate based on a 10-15-year payback.

Vice Mayor Fraser inquired as to whether or not the 10% contingency fund as stated in the plan was the usual amount that the Town uses. Director of Public Works Barnes said that before the design stage, a 20-25% contingency fund is normal, and is generally reduced to 10-15% as the project goes out to bid. He said that the Town did not set the contingency for this project; it was set by the designer. The designer has looked very closely at this project and feels comfortable with this approximation.

Vice Mayor Fraser asked for a breakdown of what organizations use McKegney Green. Director of Public Works Barnes replied that it is used by the local soccer club, St. Hilary's (1-2 times per year), the Ranch's golf clinic, and a lacrosse group has considered use but has not yet.

Fraser asked if there were grant opportunities that might assist with funding. Director Barnes replied that the State of California has a grant, but, like other private companies that support soccer groups, it is targeted toward low-income, high-crime and high-unemployment areas.

Councilmember Fredericks wished to clarify that the recommended 75,000 square foot would be fully functional. Town Manager Chanis replied that it would.

Councilmember O'Donnell said there has been some discussion as to why the Town is proposing 75,000 square feet rather than 110,000 square feet because that is the current size of the flat area. He asked staff to speak to the reasoning behind this recommendation; he asked if we weren't paying per square foot, and the bulk of the costs are already baked in, why not try to get a little more out of the field? Town Manager Chanis replied that the estimated cost for increasing the size to 110,000 square feet would be roughly \$2 million, so the additional cost could be inexpensive relative to the initial build. O'Donnell asked if the additional square feet would be playable with new turf.

Director Barnes replied that it would be similar to the existing condition. There would be some new turf, but there would be no change in the soil. One of the main issues of the field now is that in the non-sand area, the soil is very clay-like, which poses a difficulty for rooting. One advantage we would have is a potable water system which would help the grass survive better, but there are still issues with the types of soil present.

Town Manager Chanis reminded Council that the scope of the proposed project, a 75,000 square foot sand-based field, is essentially the same way the field was originally built.

Councilmember O'Donnell asked if there was a way to mitigate the large cost for the meter. He noted MMWD would be seeing much more revenue due to the use of potable water, and if they could help the Town with that fee, a big portion of the cost would be lessened. He offered to be the point person to discuss it with them.

Mayor Tollini opened the floor for public comment.

Mark Minturn, President of the Tiburon Peninsula Soccer Club, called McKegney Green the "gem by the bay" and said it is the primary playing field for hundreds of kids. He said on behalf of the Board of Directors, he wanted to reinforce to the Council that the TPSC is committed to work and cooperate with the Town to get a quality playing field. He said the Board has authorized a financial commitment of at least \$100,000 and to fundraise further because they believe there is widespread community support.

Matt Cutler, TPSC member, stated his appreciation for the consideration of the project. He said his family moved to Tiburon recently, and soccer helped his kids integrate into the community. He called McKegney Green the "field of dreams" and encouraged the Council to think beyond the square footage and consider the greater picture of what a nice community soccer field brings to the current and future Tiburon families.

Lisa Hovan, TPSC Treasurer, stated her understanding of trying to stay within budget. She inquired if it was possible to build a bigger field if the funds were raised, or does the size need to be decided on before moving forward with the project?

Mayor Tollini closed public comment.

Councilmember O'Donnell stated that the Council knows how important McKegney Green is to the community and that they are aware of the need to repair the deteriorated field. He said the problems are two-fold: the irrigation system is decades old and is not functioning properly and the water going through irrigation system has a high level of salt, which does not agree with grass. He said that one of the largest jumps in cost in fixing this field is the introduction of potable water. He said the subcommittee discussed this at length. They ultimately concluded that putting salt water back onto the field was not a good idea.

O'Donnell said he did not know what else the Town could do but proceed with the design. He argued they would be wise to table the funding discussions until they have a true estimate of the

cost, and at that point, the Town could pay a little out of reserves and borrow the rest. He said he generally believes project management can be done internally, and would like to attempt discussions with MMWD to lower their cost while waiting for design proposals.

Mayor Tollini expressed concern over putting the project out to bid before having a funding source due to the possibility of the plans “going stale”, and then having to get another design if they wait too long to start construction. Town Manager Chanis replied that if Council were to agree on the proposed scope, it would not be problematic to move forward without a definite funding strategy, and there is limited danger of “going stale” in a sports field project. He said only changing the scope at a later date would add significant redesign costs. He mentioned design should begin the next week to complete the project in summer 2017.

Vice Mayor Fraser asked how long the design period would be. Director Barnes gave an overview of the time frame. He explained the necessity to start the permitting process now so as to not lose the next construction season. He said the processes for design, bidding, analysis, Council approval and contractor award would push the time frame into spring or early summer.

Fraser agreed with his colleagues, and stated his opinion that the Council should challenge itself to develop a funding strategy before the design period ends. He said whatever funding strategy is decided upon, it can be augmented if something comes out of the design.

Councilmember O’Donnell stated his opinion that the Council should have a more holistic approach to upgrading the entire area, rather than a 75,000 square foot cut out, because the Town would also be responsible for re-turfing and repairing irrigation outside that area due to the natural disruption that would occur over the course of construction.

Councilmember Fredericks asked if the costs before them include the costs of rehabilitating the field after the project is complete. Town Manager Chanis said those costs are included. He added that a significant portion of McKegney Green will be re-turfed, but only 75,000 square feet will be the sand based field. He said he is comfortable starting design, but would be reluctant to do so if Council had any misgivings about the scope of the project.

Fredericks stated that Council should be making a decision tonight if they wanted this to be done next summer. Town Manager Chanis confirmed, but added that a funding decision does not necessarily need to be made tonight.

Councilmember O’Donnell said he was comfortable proceeding with the design, and Councilmember Fredericks agreed. Fredericks commented that the proposed size is a compromise in both cost and in the use of potable water. She said she believed funding strategies should be examined as soon as possible, but not tonight. O’Donnell agreed. Councilmember Doyle said he liked the idea of talking to MMWD about their connection fee. He said that cost was one of the highest in the proposal.

Mayor Tollini said she is a proponent of fixing the field, but stated concern about moving forward without a funding strategy. She said that committing to spending this money tonight

would take away from all the other capital improvement projects Council wants to get done in the community. She said she did not believe debt financing was fiscally responsible, and stated further concern that Council was compromising on the field size. She wondered if there was enough community fundraising, or a matching program were implemented, perhaps we could afford to do it right. She questioned pushing a project forward unnecessarily if it isn't exactly what we want, and we don't have the money to pay for it.

Councilmember Fredericks inquired about the deadline to complete the project next summer. Town Manager Chanis said there is no deadline to complete the project: the time frame was simply imposed because a decision needed to be made to see the project completed in the next construction season. To further delay design would be to forego construction next summer.

Vice Mayor Fraser said he agreed with the Mayor about debt financing, stating that he does not want this Council's legacy to be debt. He said Council could be more aggressive in pursuing a funding strategy. He said Council should not make a funding decision tonight, and echoed the Mayor's sentiment that the Council should review this project in conjunction with other projects requiring funding. He encouraged Council to approve the design and to put themselves "on the clock" to find a funding solution.

Mayor Tollini reminded the group that if Council committed to the design tonight, there would be no changing the scope of the project.

Fraser said that he believes Councilmembers O'Donnell and Doyle did a great job as the subcommittee in determining the scope, and stated that he does not believe we need the extra square footage. He said that 75,000 square feet would be adequate space for a substantial soccer field and still leaving enough room around it for other activities.

O'Donnell said the subcommittee discussed many options, and based on cost, their recommendation seemed like a good compromise. He said he wished to proceed with the design tonight, and added that working in the upcoming construction season is important so schools and families can use the field in the fall. He agreed with Vice Mayor Fraser that Council should "go on the clock" to find a funding solution. He suggested bringing back the subcommittee to focus on finances and to have the TPSC participate.

Tollini agreed to proceed with the design element, but still expressed reservations about changing the scope in the future and that funding this project will affect other long-term capital improvement project priorities. She said \$1.6 million was a large sum of money to pay considering the number of people that use the field. She said she would like to see a large contribution from the community, but expressed doubt that community funds could be pulled together in time for the next construction season.

Councilmember Fredericks clarified the Mayor's position: She would move forward with the design, but perhaps not necessarily move forward with construction next summer if there is no good plan for funding. Tollini confirmed.

Councilmember Doyle commented that the area that will be sand-based will actually be much

larger than the 75,000-square foot area; it will be closer to 90,000 square feet. There would be plenty of room for other activities or for other groups to the sides of the field. The field will have a lot of usable space; it wouldn't just be a 75,000-square foot cut-out that would be upgraded.

Mayor Tollini said there seemed to be a consensus to authorize the design for 75,000 square feet, and for the subcommittee to shift focus to a finding viable financial solution. Councilmember O'Donnell said he would like the TPSC to be on the subcommittee.

Councilmember Fredericks said she hopes the sub-committee will report back to the Council with a convincing argument as to how debt financing may be a tool. Councilmember O'Donnell said that debt financing is a viable solution for capital projects, but not ongoing maintenance or expenses. He said that debt is a tool used by governments and agencies frequently.

Mayor Tollini said the counter-argument to debt financing was that if you have to finance it, perhaps you cannot afford it. She said whatever the amount the Town chooses to spend, they should be confident that it doesn't drain the reserves.

Councilmember Fredericks asked what sorts of variables one might take into account when deciding what sorts of expensive projects commonly use debt as a payment strategy. She requested further information from staff.

MOTION: To authorize the Town Manager to execute a contract with Abey-Arnold Associates for the design of the McKegney Green renovation, as written.  
Moved: Fredericks, seconded by Doyle  
Vote: AYES: Unanimous

**2. New Morning Café Sidewalk Improvement Project** – Consideration of award of contract, and associated budget adjustments, for design work related to frontage improvements at New Morning café site (Department of Public Works)

Director of Public Works Barnes gave the staff report. He said the General Plan outlines a project to enhance pedestrian flow outside of the current New Morning Café downtown, and as part of New Morning Café's new development, their conditions of approval require them to contribute to such a project. Director Barnes showed photos of restricted areas of the current sidewalk and of pedestrians walking in the street due to insufficient space on the sidewalk.

He said the owner of New Morning Café is intending to begin construction on their site in the fall of 2017, and Staff wants to ensure forward movement in the project so as to not tear up the frontage of the building after their construction is already completed. However, the design is complicated. The only design proposal returned set a cost estimate at \$62,680. Director Barnes said Staff would like to move forward with the design and negotiations with New Morning Café will begin when costs are more definite (when approx. 60% of design completed).

Mayor Tollini invited questions from the Council.

Councilmember O'Donnell asked if there would be an opportunity for New Morning Café to contribute financially. Director of Public Works Barnes answered that they are supposed to contribute, but the specific amount is not detailed. Councilmember O'Donnell wished to clarify where that contribution would go. Director Barnes said that it would be financial assistance directly to this project, rather than a Street Impact Fee, for example.

Vice Mayor Fraser said the agreement to "help out" financially should be more specific. He commented that the survey fee as stated in the proposal was unusually high, and perhaps a survey already exists as part of New Morning Café's improvement project. If so, a secondary survey would be less expensive. Director Barnes said that the Town does have those drawings, and if they can use them, they will.

O'Donnell asked if the fee they were reviewing was only for the design, or was it for the work too? Director Barnes said that fee was only for the design.

Mayor Tollini opened the floor for public comment. There was none.

Vice Mayor Fraser recommended moving forward with the design, but requested more specificity from the owner of the building in terms of what they plan to contribute financially.

Councilmember O'Donnell asked how the Town can move forward with design meant to be done in conjunction with the owner before seeing what they propose. Town Manager Chanis said the owner has already submitted fairly detailed plans just to get to this stage in their renovation. Staff believes the project can be designed up to 60%, and then completed once the owner submits plans to ensure consistency. Chanis further emphasized the reason for discussion now was timing. He said delaying design until the issuance of their building permit would likely delay construction of this project until after the New Morning Café's improvements were completed.

O'Donnell asked if the Town would still be doing this project if the New Morning Café weren't doing a renovation. He wondered if completing this project was an ADA requirement. Director Barnes said that this is a project in the General Plan, but it is going forward specifically at this time due to the renovation.

**MOTION:** To approve staff recommendations, as written: 1) to increase the CIP budget for the New Morning Café Frontage Project by \$32,680 to a total of \$62,680; and 2) to authorize the Town Manager to enter into a contract for the design of the New Morning Café Frontage Project to Harris and Associates in an amount not to exceed \$62,680.

**Moved:** Fredericks, seconded by O'Donnell

**Vote:** AYES: Unanimous

- 3. Storm Drain Update** – Receive staff report on recent video inspection of storm drains, and consider allocating additional funds for the 2016-2017 Storm Drain Improvement/Repair Project (Department of Public Works)

Director of Public Works Barnes gave the staff report. He reminded Council of the budgeted \$130,000 this year for storm drain flushing and storm drain video. Staff identified eighteen pipes that are in poor condition with holes and need to be replaced. The estimate to repair all of the damaged pipes would be \$1.1 million. He mentioned that some of the pipes would need to be enlarged based on the Storm Drain Master Plan, and it is possible that more will be found as hydrology studies begin. He showed a map and photos of the various locations of the damaged storm drains throughout town, highlighting holes, cave-ins, and other damage.

Mayor Tollini invited questions from the Council.

Councilmember Fredericks asked Director Barnes to say a few words as to the importance of storm drains, like what they do and how they protect us. He said storm drains move large amounts of surface water from the Tiburon hillsides to the Bay. He said the Storm Drain Master Plan's goal is to keep the peninsula from flooding after a 25-year storm. He also added that roads could be undermined if storm drains sustain holes or other damage.

Vice Mayor Fraser noted the Town has only looked at ~ 20% of storm drains and found significant damage, leaving 80% with no final determination of sustained damage. He said if we move forward with spending \$1.1 million now, we will have very little going forward. He asked where the money was going to come from to take care of the other 80% if necessary.

Tollini commented that this project would nearly empty the Streets Drainage fund. She asked how that fund is replenished and how often. Director of Administrative Services Bigall said the fund has an annual contribution from Mill Valley Refuse Service franchise fees. Additionally, Council allocates General Fund reserve balances to various funds based on needs annually.

Councilmember O'Donnell asked if some portion of the money could come from the Street Impact Fund because he noticed that fund seems to grow significantly every year, and now has a balance of over \$2 million. Director Bigall said that fund is to be used exclusively for construction damage to streets. Town Manager Chanis added that staff anticipates using those funds to complete a large street project next year.

O'Donnell asked if there was an opportunity to phase these projects over time according to location and priority. There was some discussion as to how to geographically phase and prioritize a project like this. Chanis commented that it is not usually wise to split a project like this into too many pieces due to the nature of the bidding process. Director Barnes said a clever bidder may win the low bid on one portion, but pad the bid on the next phase. He said splitting the project may end up costing more, but there can be valid reasons to do it.

**MOTION:** To authorize staff to issue a Request for Proposals for the design work associated with repairing, or replacing, the 18 CMP segments listed in Table 1 of the staff report.

Moved: O'Donnell, seconded by Fredericks  
Vote: AYES: Unanimous

4. **Tiburon Boulevard curb cuts/ramp upgrades** – Consider allocation of additional funding for this Caltrans directed project for curb/ramp upgrades on Tiburon Boulevard (Department of Public Works)

Director of Public Works Barnes gave the staff report. He said CalTrans is updating and replacing curb ramps in a number of local municipalities in their right of way, and is giving municipalities the opportunities to pay for similar upgrades in their own rights of way. He outlined the Tiburon curb ramps that would be updated, to cost approximately \$140,000.

He said CalTrans would be responsible for all permitting, design and construction, and the cost is no different than it would be for the Town to do it independently. He said CalTrans will move forward with their own work regardless of Council's decision tonight on whether or not to be involved.

Vice Mayor Fraser asked if they should wait to do the curb ramps by the library due to the major construction expected to take place there in the next several years. Director Barnes replied that eliminating those two upgrades from the project would not save a significant amount of money.

Councilmember Fredericks asked if there were any legal constraints to waiting to do this project. Director Barnes said there was no legal requirement to upgrade the curb ramps at this time.

Mayor Tollini opened the floor for public comment. There was none.

Councilmember O'Donnell said he believes Council should take special care when considering the crosswalks downtown. He said he believes the width and breathe of the sidewalks adds to the ambiance of the town due to the area's use as a plaza for festivals and parades and the like.

Vice Mayor Fraser asked if this project could be tabled. Director Barnes replied that the Town could table their portion, but CalTrans will still move forward with their portion in Tiburon.

Councilmember Fredericks asked how much of the visible design could be changed. Director Barnes said ADA requirements are strict and not variable. Fredericks said she saw no benefit on waiting on a design that could not be changed, and stated her opinion that Council should authorize pursuing the design with CalTrans as recommended.

Councilmember Doyle asked if there was a cost savings to working alongside CalTrans, rather than waiting to do it independently. Director Barnes cited CalTrans' "economy of scale" and the ease of bypassing their permitting process.

Vice Mayor Fraser said the library expansion will provide a good opportunity to fix several of the proposed ramps over the next several years. He suggested tabling the item.

Fredericks wished to clarify: will we have to make these safety improvements eventually? Director Barnes replied that there is a standard that we must eventually comply with, but not necessarily until we do other work in the area.

Tollini agreed with Fraser. She asked if there was a problem for local handicapped people getting around downtown. Director Barnes said he had not received specific complaints about the curb ramps in question, but had anecdotally received negative feedback about other landings not included in this project. Tollini commented that perhaps this money should go toward those landings. Town Manager Chanis said CalTrans would be working to improve those locations, and audible signals were recently implemented there.

O'Donnell commented that several of the curb ramps CalTrans will do need to be done, but questioned spending money on upgrades that will be done in a few years anyway. In the downtown area, he expressed reservations over the proposed design and functionality.

Fredericks asked if the current landings are ADA compliant. Barnes replied that they were when they were constructed, but are not now. Fredericks asked if we should have a plan in place to bring them up to current standards. Town Attorney Stock said the Town does not have an affirmative duty to upgrade each intersection; the Town is only obligated to upgrade when we are doing other work in the area. Fredericks asked for confirmation from Barnes that there had been no insistent complaints from residents about these particular curb ramps. Barnes affirmed.

Fredericks asked if this money was coming from a restricted fund. Chanis said this year's budget had allocated \$20,000 for curb ramp improvements, and staff would request from Council to take the additional funds from the gas tax fund. He confirmed that if we did not do this project, the funds could be used toward other projects. There was some discussion as to the gas tax fund not being replenished as quickly as it had been in the past.

No action taken.

## **PUBLIC HEARINGS**

Item Nos. 1 and 2 taken out of order.

2. **Electric Bicycle Use** – Amend Chapter 23 (Traffic) of the Tiburon Municipal Code with regard to electric bicycle use (Community Development Department) – *Introduction and first reading of ordinance*

Director of Community Development Anderson gave the staff report. He said electric bikes have become popular over the last several years amongst residents, and the Town of Tiburon now has an electric bicycle store in its downtown. He said the municipal code has no mention of electric bicycles and the Town is bringing forward proposed amendments to align it with the California Vehicle Code and define the bikes and specify allowable usage within Tiburon.

He said the other proposed amendment was to establish a 15 mph maximum speed limit for electric bikes, the same in use by Marin County and Mill Valley. Director Anderson invited any questions from the Council.

Councilmember Fredericks asked if there were any limitations in Town as to where bicycles can be ridden. Director Anderson answered that bicycles were permitted on city streets and non-motorized bicycles were permitted in open space areas, but not on the path alongside Shoreline Park. He said the State of California has defined electric bicycles to be non-motorized, so they would be allowed in the same spaces. Fredericks referred to a complaint she had received about electric bicycles riding through the grass in Zelinsky Park. Director Anderson said bikes were not permitted to ride through grass.

Councilmember Fredericks further commented that she hopes there will be no promotions of electric bicycles showing illegal use. She also commented that it would have been beneficial for the Council to know of any positive or negative comments that had been said at the Planning Commission's meeting to better gauge public perception. Town Manger Chanis replied there were no negative comments, only positive.

Councilmember Doyle inquired about the provision that electric bicycles were not to be used for commercial purposes, and asked what that might be. Director Anderson replied that there have been some suggestions of "petty cabs".

Vice Mayor Fraser asked if Segways were considered motorized. Chief of Police Cronin answered that Segways are regulated as pedestrians. Councilmember O'Donnell asked if motorized skateboards or scooters were also regulated as pedestrians. Chief Cronin said that there are several distinctions amongst the different types of electric scooters and skateboards, but many of those seen around Town are illegal.

Mayor Tollini asked if there will be any change in enforcement with the imposition of the 15mph speed limit, as Old Rail Trail only prohibits "unsafe speeds". Cronin replied that it is very difficult to enforce the "unsafe speeds" because it is up to the officer's judgment to determine if the bicyclist's speed is unsafe. He said the 15mph speed limit would not be ambiguous in this way.

Councilmember O'Donnell asked what the maximum speed of the electric bicycles is. Chief Cronin said the bikes can reach 20mph with the electric assist.

Councilmember Fredericks asked if there were any safety concerns addressed at the Planning Commission meeting. She expressed concern with introducing another vehicle onto a shared roadway, especially one with children present. Town Manager Chanis said there was some discussion to limiting the number of rentals the shop can release out per day.

Fredericks commented that rental limits would be difficult to enforce. She asked if there were more collisions, does the Town have recourse to control what happens on Old Rail Trail? Cronin stated his person preference to not mix bicycles and pedestrians, but commented that there is no alternative in this case, because bicycles should not go on Tiburon Boulevard. He said the numbers of bike-related accidents are being closely monitored, and if the number increases, perhaps an additional review of the store's operation would be in order.

Vice Mayor Fraser said the increase in bicycle usage around Town is a function of an increased desire to be environmentally friendly and the Town advocating for more bicycle usage, specifically for children to bike to school. He mentioned the Parks, Open Space and Trails Commission is developing a safety plan for persons utilizing all modes of travel. He said there will be a larger mix of pedestrians, bicycles and vehicles on the road going forward. He commended the Chief of Police for keeping a close eye on this. He said Council's role in the community should be to educate everyone how to be safe together and share the roadway. He said more regulation in response to an accident is not the right way to deal with the problem.

Mayor Tollini opened the floor for public comment.

Don DiCostanzo introduced himself as the co-founder of Pedego, the local electric bicycle shop. He said their local shop does not have the space to house many bikes available for rent. He said the purpose of having bikes available for rent was to entice customers to purchase one; Pedego is not running a business based on rentals alone. He cited the speed laws in Huntington Beach, CA: 15mph maximum speed, unless pedestrians are present, in which the maximum speed decreases to 8mph. He said the regular Pedego consumer (50-70 year old) does not typically ride as fast as a cyclist and Pedego has an excellent safety record. He said Old Rail Trail is the perfect location.

Kevin Wood, the store manager of the Tiburon Pedego, said Pedego staff discusses safety with all customers and reminds them that they have a responsibility to be safe.

Mayor Tollini liked the idea of the 15mph speed limit unless pedestrians are present. Chanis said it had not been considered when drafting the proposed changes, but it could be included. Chief Cronin commented that on an optimal conditions day, the speed limit would effectively be limited to 8mph due to more pedestrian traffic. He also commented that the 8mph speed limit was not ambiguous, and thus, still enforceable.

Town Attorney Stock read the revised language with the proposed change to include an alternate speed limit when pedestrians are present.

MOTION: To introduce the ordinance and read by title only, waiving further reading and schedule for adoption at the next regular meeting.

Moved: Fredericks, seconded by O'Donnell

Vote: AYES: Unanimous

Mayor Tollini read, "An Ordinance of the Town Council of the Town of Tiburon amending Municipal Code Title VI, Chapter 23 (Regulation of Motor Vehicles and Traffic) to Authorize the use of Certain Classes of Electric Bicycles on Bicycle and Pedestrian Paths owned by the Town of Tiburon, including Old Rail Trail, and to Establish a Maximum Speed Limit on Old Rail Trail."

MOTION: To hold a roll call vote on introduction of the ordinance, as amended in the public hearing.

Moved: Fraser, seconded by Doyle

Roll Call Vote: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

1. **2017 Building Codes** – Amend Chapter 13 (Building Regulations) of the Tiburon Municipal Code to adopt new State of California Construction and Building Codes for 2017 (Community Development Department) – *Introduction and first reading of ordinance*

Director of Community Development Anderson gave the staff report. He said that the State of California adopts new construction codes every three years. This proposal includes the adoption of the 2016 codes and the ratification of the California Fire Code adopted by our two local districts. He said the Town adopts local amendments to this code infrequently.

MT invited council questions.

Vice Mayor Fraser recalled an issue from several years ago about the issuance of extension penalties and fees. He gave a brief overview of the building permit extension process and the fees associated. He pointed out that the Building Official does not have the sole discretion to waive fees or alter the time frame of the extension until the third request for extension. He said perhaps the Building Official should be involved from the first extension. He argued that a project that is 90% complete may only need a 30-day extension, rather than the standard 6-month extension, and the extension fees could be altered appropriately.

Building Official Salzman replied that he does not issue unnecessary penalties on projects that appear to be close to finishing. He added that this does create complications addressing potential issues with displeased neighbors. Director Anderson added that this has been the Town's historical practice.

Councilmember O'Donnell asked how the Building Division handles the increase of technology in modern homes. He said the official code can "be behind" in technology of the modern home. Building Official Salzman cited a section of the code that allows anyone to submit an alternative construction feature, but it is their responsibility to submit sufficient data to allow the Building Division to make a determination as to whether or not the feature meets standard building requirements.

MOTION: To introduce the ordinance and read by title only, waiving further reading and schedule for adoption at the next regular meeting.

Moved: Fredericks, seconded by O'Donnell

Vote: AYES: Unanimous

Mayor Tollini read, "An Ordinance of the Town Council of the Town of Tiburon amending provisions of Title IV, Chapter 13 of the Tiburon Municipal Code by Adopting with Amendments the most Recent Standardized Construction Codes."

MOTION: To hold a roll call vote on introduction of the ordinance, as written.

Moved: Tollini, Fredericks

Roll Call Vote: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

### **TOWN COUNCIL REPORTS**

Councilmember Fredericks brought a problem in scheduling for the November meeting of MCCMC to the Council's attention. She requested that the Mayor write a letter asking MCCMC to either reschedule their meeting to November 30<sup>th</sup> or initiate an alternative process of voting consistent with their bylaws so the Town of Tiburon is not disenfranchised at this meeting.

Councilmember O'Donnell asked about a large vertical pole visible downtown. There was a comment from the audience that the pole was monitoring traffic for CalTrans.

### **TOWN MANAGER REPORT**

Town Manager Chanis announced the Town purchased its first electric vehicle: a 2016 Kia Soul EV in use by the Building Inspector. He commended Director of Community Development Anderson and Building Official Salzman for their work in procuring the vehicle. He said the Town is hoping to get a \$6000 grant from the State of California and Transportation Authority of Marin and another grant to install a Level 2 charger.

### **WEEKLY DIGESTS**

- Town Council Weekly Digests – October 21 & 28, 2016

Received.

**ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 10:30 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
ERIN TOLLINI, MAYOR

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
DIANE CRANE IACOPI, TOWN CLERK