

**TOWN COUNCIL  
MINUTES**

**CALL TO ORDER**

Mayor Slavitz called the special meeting of the Tiburon Town Council to order at 7:00 p.m. on Wednesday, June 7, 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, IT Coordinator Monterichard, Town Clerk Crane Iacopi

Prior to the regular meeting, the Council met in closed session and conducted interviews, as follows:

**CLOSED SESSION** – (6:45 p.m.)

CONFERENCE WITH LABOR NEGOTIATOR  
(Government Code Section 54957.6)

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

**INTERVIEWS** – *Pending or current vacancies on Planning Commission (1 seat), Marin Commission on Aging (1 seat), Library Agency Board of Directors (1 seat)*

- Barbara Selby – 7:00 p.m. (Marin Commission on Aging)
- Paul Kochis – 7:15 p.m. (Marin Commission on Aging or Library Agency Board)

**ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY**

Mayor Slavitz said that no action was taken in closed session.

## ORAL COMMUNICATIONS

None.

## CONSENT CALENDAR

1. **Town Council Minutes** – Adopt Minutes of May 18, 2011 regular meeting (Town Clerk Crane Iacopi)
2. **Martha Company MOU** – Recommendation to approve extension of the Memorandum of Understanding (MOU) with the Martha Company (Town Attorney Danforth)

MOTION: To approve Consent Calendar items, as written.

Moved: Fredericks, seconded by Collins

Vote: AYES: Unanimous

## ACTION ITEMS

1. **Blackie's Pasture Development Plan** – Consider recommendations from Parks, Open Space & Trails (POST) Commission regarding proposed improvements to the Trestle Berm portion of Blackie's Pasture and rescission of the Blackie's Pasture Development Plan (Director of Community Development Anderson)

Director of Community Development Anderson gave the report. He said that the Belvedere-Tiburon Landmarks Society (BTLS) and Tiburon Peninsula Foundation (TPF) had approached the Town with proposed improvements to portions of the Blackie's Pasture area of the Richardson Bay Lineal Park, primarily focusing on the "trestle berm" portion of the Park.

Director Anderson said that while the proposed improvements appeared to be community-oriented, beneficial, and consistent with current staff thinking and direction, they would not be consistent with certain provisions of a Development Plan for Blackie's Pasture adopted by the Town Council in 1982 and most recently revised in 1992. He said that pursuit of major elements of this Development Plan (including the dredging of a salt marsh, grading out of the trestle berm, and planting of a mixed hardwood forest) were long ago abandoned by the Town, however, the 1992 Development Plan technically remained "on the books." He recommended that the inconsistencies be resolved as part of any consideration of the BTLS & TPF proposal.

Anderson said the Parks Open Space and Trails (POST) Commission had voted to rescind the 1992 Development Plan at its May 17 meeting and approved the concept of the proposed work, pending more detailed drawings of physical improvements (other than the invasive plant removal and basic restoration work that do not require such drawings). He said there was no apparent financial impact to the Town, as neither organization had requested any Town funds and the Tiburon Peninsula Foundation had \$25,000 in grant funding to use for this purpose.

Councilmember Fredericks commented that while there may be no current costs on the table for approval by the town, she wondered if the grant funding would cover the entire scope of the project recommended by the two organizations.

Town Manager Curran said that there was a separate, but related, line item in next year's capital budget in the amount of \$15,000 that will allow the Town to make improvements to the Blackie's Pasture frontage area concurrent with the TPF improvements. .

Mayor Slavitz opened the hearing to public comment.

Ed Lynch, representing the Tiburon Peninsula Foundation, said their organization had received an unsolicited [\$25,000] grant from the Rocky Fund, through the Marin Community Foundation. He said the funds had been earmarked for use in the Blackie's Pasture area over the next two years. Lynch said that they had agreed that the non-native vegetation should be removed first, and that after this part of the "clean up" of the area was completed, they could work with staff to come up with a longer-range plan.

In response to a question from Vice Mayor Fraser, Mr. Lynch said that the first phase (vegetation removal) should be complete by this summer. Mayor Slavitz said it would be nice to be able to see the trestle berm again.

Scott Durkee, resident, asked if the Blackie's Pasture Development Plan under consideration for rescission would be replaced by another plan.

Director Anderson said that there were new policies that governed use of the area that had been adopted by the Town's General Plan and Zoning Ordinance. He said the older ideas were not consistent with the "passive recreational use" outlined in the Town's General Plan.

Mayor Slavitz closed the public hearing.

Council concurred with the concept of making improvements in the area. Vice Mayor Fraser added that it seemed consistent with the spirit of "revitalizing" Tiburon.

MOTION: To approve the POST recommendation to rescind the 1992 Blackie's Pasture Development Plan, and to approve in concept the BTLS & TPF proposal for clean-up and improvements (Phase 1 work) to the trestle mound area of Blackie's Pasture, subject to issuance of an Encroachment Permit from the Public Works Department and permits required by other agencies (if any).

Moved: Fredericks, seconded by Collins

Vote: AYES: Unanimous

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2. **Lyford Drive Multi-Modal Parking Lot Project** – Review and consider for Land Use and Zoning Permit approval the site plan and architectural drawings for the project located near the southeast corner of Lyford Drive and Tiburon Boulevard; consider adoption of Mitigated Negative Declaration – AP No. 060-061-15 and adjoining State Highway right-of-way. (Director of Public Works/Town Engineer Nguyen /Director of Community Development Anderson)

Town Manager Curran said that Director of Public Works/Town Engineer Nguyen would present an overview of the project, including an alternative to the current plan, followed by an environmental review by the Director of Community Development.

Director Nguyen said that improvements to the Lyford Drive parking area had first been considered by the Council in 1997 but no plans were developed at that time. He said the idea was raised again in 2008 by Councilmember Collins and had gone through a process of development and review since that time. The four objectives or goals of the project, according to Nguyen, were a) traffic control and safety; b) beautification of the area; c) multi-modal transportation features; and d) parking management.

The Director described the project as a paved parking lot for 45-55 cars. He showed slides of an artist's rendering of what the project would look like both from Tiburon Boulevard and the multi-use path below. He said what was visible from the multi-use path would be a retaining wall, a fence on top of that, with a parking lot between the fence and Tiburon Boulevard. He said there was a minimum five-foot setback between the path and the wall. Nguyen also showed some slides of other areas along the multi-use path where vegetation and fences "encroached" up to the multi-use path, by way of example.

Director Nguyen showed a schematic drawing of the parking lot and parking configuration (a double row of diagonal parking) which would have areas for planting, as well as street lights. He said that there was vegetative and bio-swale drainage to accommodate run-off from the lot.

The Director presented an alternative design which consisted of one diagonal of parking (rather than two), along with a parallel parking lane, that would contain approximately 46 instead of 50 spaces which would result in a significantly wider setback between the wall and multi-use path (from a 5 foot minimum setback to 12 – 19 feet). In the alternative plan, the wall height would range from 7 feet to 4 feet, according to Nguyen. He noted that the alternative plan was estimated to be somewhat less expensive to build than the first plan.

Councilmember Fredericks asked about the "per space" cost of the two plans. Town Manager Curran said she thought the alternative would be approximately \$24,000 per space versus \$27,000 per space of the original plan. Curran later refined those numbers to state that, after eliminating the cost of the undergrounding from the project, one lane of parking would result in a per space cost of \$34,560, the one diagonal and one parallel configuration results in \$24,100 per space, and two diagonal rows of parking would produce a \$21,280 per space cost.

The Town Manager also noted that the Town did not yet have a firm estimate for the revised project that had just been presented, so the per space cost estimate provided for that configuration was an approximate one.

Mayor Slavitz asked about possible impacts from the lights in the parking lot. Director Nguyen said that while the lights were required for safety, they would be only be 12 feet tall, with down-casting light, and the bulbs would be under bell-shaped housings, and not visible. He said any final lighting plan would have to be consistent with Cal/Trans regulations since the parking lot was in Cal/Trans' right of way. He said the Town was still in the process of negotiating a maintenance agreement with Cal/Trans.

Councilmember Collins asked if the lot would have to be lit all night if overnight parking was not allowed (current regulations). Director Nguyen said the lights could possibly be put on timers. Town Manager Curran said that while everyone wanted a minimum of lighting, the Town envisioned a lot used by ferry and other commuters, and she said it would have to be safety lit after dark. She said that bollard-style lighting would not be possible because the light would be blocked by the parked cars. The Town Manager also pointed out that the light fixtures would not be located close to anyone's home.

In response to a question about the \$314,000 grant received by the Town from the Congestion Management Agency (TAM), Director Nguyen said that multi-modal transportation features had to be built into the project as a condition of the grant funding. He said this would include a widened sidewalk, bus stop, bus shelter, bike racks, and accessible connection to the multi-use path. He said a multi-modal project strives to promote connection between car, foot, and other forms of transportation and that the Lyford Parking lot was indeed a small transportation "hub".

Director of Community Development presented his report. He said that on April 20, 2011, the Town Council adopted Ordinance No. 527 N.S., establishing review and decision-making procedures for this project. Anderson said the ordinance exempted the project from provisions of the Zoning Ordinance but required the Town Council to review the site plan and architectural drawings for the project at a public meeting prior to any approval. According to the Director, approval of the site plan and architectural drawings for the project in no way obligates the Town Council to proceed with the project, but would satisfy the land use permit approval and environmental review obligations associated with doing so.

Director Anderson gave a detailed summary of the project history and its review by the Council. He said the project appears, on balance, to be consistent with applicable goals and policies of the Tiburon General Plan, including the Circulation Element of the General Plan, as well as Design Review guiding principles .

Anderson said that an initial study of the project had been issued and the comment period closed in April, 2011. He said the study concluded that any environmental impacts from the project would be less than significant with the agreed-upon mitigation measures, and that the Town had received no substantial evidence to support a fair argument that a significant effect on the

environment would occur. He said the Town had received more letters regarding the project after the close of the comment period, expressing concern over visibility, proximity, and height, and that an ad-hoc committee of the Town Council, along with staff, had met with Belvedere officials and neighbors to discuss these concerns. He said these meetings had resulted in a reduced version of the plan, as described by the Director of Public Works. He said that additional options were considered, including reducing the parking to a single row, and moving the location of the multi-use path further away from the proposed retaining wall.

Director Anderson concluded with a recommendation for the Council to take public testimony on the matter, and after deliberation on the merits of the project, consider adoption of a resolution approving the project alternative and draft negative declaration.

Council began its deliberations on the project.

Councilmember Collins said that ever since he had served on the Planning Commission, he was concerned about the lack of safety from cars entering and exiting the existing unpaved parking lot at Lyford Drive. He said this was an opportunity to make it better and safer for both Tiburon and Belvedere residents. He said he heard the concerns about the retaining wall being very high, so he said the Council subcommittee (of which he was a member) had worked to come up with an alternative plan that was equal or better to the initial plan.

Councilmember (and committee member) O'Donnell agreed that it would be beneficial to clean up the parking area and make it better; he said that CalTrans had certain regulations which led to the design of the retaining wall. O'Donnell concurred that that people engaged in unsafe parking practices at present, with cars backing out into traffic on Tiburon Boulevard, and making unsafe U-turns, etc. He said that the Town had received grant funding to help with the improvements and that this project was a good use of these funds. O'Donnell said that in addition to addressing the safety issues, it would be beneficial to create as much parking as possible for residents and people who want to use the multi-use path (MUP). He noted that the only other public parking adjacent to the MUP is at Blackie's Pasture.

Councilmember O'Donnell said that he and Councilmember Collins held two meetings with residents of Lagoon Road in Belvedere, and had worked out what he described as a fair compromise, changing one diagonal row of parking to be parallel, and had solved the issues of headlights shining in that direction; also, that they retaining wall had been moved and lowered to seven feet, and that set back from the MUP would be 12 to 19 feet. He said the wall could be easily screened by vegetation. He said that the end result would be a much improved area, with utility poles coming down, and a project worthy of the Town.

Mayor Slavitz opened the public hearing.

The following people spoke:

- Jeff Clark, Lyford Drive resident, said the biggest issue for people living at his complex was commercial parking; said that the Town had adopted a no-parking zone for

commercial vehicles on his complex's side of the boulevard, and he said they were concerned that commercial vehicles would be forced to come back to that side during construction of the proposed lot and afterwards, particularly if that type of vehicle parking was not allowed or accommodated in the new project; he also said the revised plan seemed more aesthetically pleasing than the original plan before the Council.

[Mayor Slavitz noted that there was only parking in the alterative plan for two oversize vehicles; Councilmember O'Donnell commented that a policy would have to be developed concerning commercial parking, and that it was hoped that commercial parking would go to the paid lots downtown.]

- Elizabeth Burke, 4 Lyford Drive, asked if the Council had received the petitions submitted from residents at 2 and 4 Lyford Drive (the Council affirmed that they had). She, too, spoke in favor of continuing the prohibition of commercial vehicle parking on her side of the street because she said they leave piles of dirt, start their engines at 4 or 5 a.m., and leave their engines running while parked there. She asked about the height of the retaining wall [Director Nguyen said that the parking lot would be below grade and not block views] and lighting [he said it would be downward lighting].
- Helene Denebeim, San Rafael Avenue resident, said that trucks and commercial vehicles needed to park somewhere and said the Council should address the issue, not ignore it;
- Art Kern, Lagoon Road resident, representing the Lagoon Road "contingent," said that the alternate plan seemed like a pretty good compromise and he thanked the Council for its consideration of their concerns; said that at least for now, "we're for it," but said that it would be beneficial to add landscaping and greenery, because it was a community project.
- A lady in the audience asked to look at the alternate plan; [Town Manager Curran said that it was Exhibit 14 in the Council packet; Mayor Slavitz said that actual schematic drawings would be forthcoming.]
- Roberta Williamson, Red Hill Circle, asked for a "bottom line" on the project; [Town Manager Curran said the alternate had less paved surface, a lower wall, and was somewhat less expensive, etc. Director Nguyen added that the new plans would be available for review at the public counters at Town Hall after it was developed].
- Another resident asked about the hours of parking at the existing lot;

[Chief Cronin said that overnight parking was prohibited (between the hours of 2 and 6 a.m.) and was posted at the existing lot.]

- A resident asked if story poles would be erected for the alternative project; [Mayor Slavitz said, probably not] and whether the elevation of the wall would be the same

[Director Nguyen said yes, but that it would just be moved back up the slope and thus was lower in height];

- Jennifer Hall, Peninsula Road, Belvedere, said she was a big user of the MUP and that she was pleased to hear about the alternate plan; said she would like the project to have a “bucolic look” and that people would be interested in contributing to this aspect of the project;
- Kathy Niggman, 70 Lagoon Road, said she was most impacted by the project because she had a large patio on Lagoon Road and she was concerned about cars looking into the rooms in her home; said she wanted screening at the parking lot and retaining wall.

Councilmember O’Donnell said that the Town had opened discussions concerning screening of the MUP with City of Belvedere officials, as well.

Mayor Slavitz closed the public hearing.

Councilmember Fredericks said it was a great project. She said that safety was paramount but that it also provided a multi-modal transportation hub (for ferry parking, for instance). She said that the subcommittee, with the input of residents, had come up with the best solution for all, and that everyone deserved recognition for their involvement with the process.

Fredericks said that she still had concerns about the cost of the project, in addition to the escalating costs of the Ned’s Way [Recreation building] project, which is a priority to the community. She said she was not entirely comfortable with approval of the project and asked staff to keep addressing concerns regarding escalating costs; she added that she was also uncomfortable that there was no exit strategy for these projects.

Town Manager Curran said that the decision before the Council tonight was to approve a project design and mitigated negative declaration; she said that the project would still have to go out to bid and that this would most likely happen sometime after the Del Mar Undergrounding and Ned’s Way projects. At that juncture, she said the award of bid would come back to the Council for final action.

Curran also addressed the issue of oversize vehicle parking by stating that the project drawings were not complete and that more oversize spaces could be added before they plans were finalized or at any point in the future if desired.

Vice Mayor Fraser applauded a job well done by the ad hoc subcommittee in coming up with an alternate plan. He agreed that the safety aspect of the project was important. He described the parking in the Reed School area as “dangerous and treacherous” which could be made safer by the project. He also applauded the work of staff and said that the proper findings had been made and that he could support the project on its merits.

Mayor Slavitz echoed these remarks. He said it was unfortunate that the story poles had been erected so late in the process but said that through cooperation and hard work, a better solution had been arrived at. He said that it would be helpful to minimize lighting in the project, and that the Town needed the cooperation of the City of Belvedere and neighbors in finding a solution for contractor parking, as well as landscaping features for the project.

Councilmember O'Donnell said that the project was consistent with the goal of a more vibrant, as well as aesthetically pleasing, downtown. He said that the Town could not make a lot of parking in the downtown area because the parking was controlled by private property owners, however, he noted that the Lyford Drive parking area was one area that could be affected by the Town.

In addressing the issue of cost, he said the Town would be financially foolish if it moved ahead with this project before the Del Mar Undergrounding and Jt. Recreation projects were approved and funded. He noted that the Council would not give its final go-ahead to this [Lyford] project until January 2012.

Councilmember Collins said he would still like to see this project come to fruition. He raised a final question as to whether standards for noise and construction would be addressed in the parking lot project; Director Anderson said that construction noise hours are already limited by law (Town Code). Director Nguyen added that working hours for construction would be limited to 8 AM to 5 PM Monday through Friday.

MOTION: To adopt a resolution approving site plan and architectural drawings [for the alternate project, as presented] and adopting a mitigated negative declaration and mitigation monitoring program for the Lyford Drive Multi-modal Parking Lot project on property at Lyford Drive and Tiburon Boulevard.

Moved: O'Donnell, seconded by Collins

Vote: AYES: Unanimous

### **PUBLIC HEARINGS**

1. **FY 2011-12 Municipal Budget** – Introduction and adoption of Municipal Budget for fiscal year ending June 30, 2012 (Director of Administrative Services Bigall)

Director of Administrative Services Bigall gave the report. She said the Town, while experiencing a downturn in revenues (\$1.2 million since 2007-08) from declining property taxes and investment earnings, had stayed well ahead of the recession in its financial planning. She said that in 2009-10, the Town had taken steps to freeze benefit levels for employees, as well as to freeze positions in the Police Department and not fill other positions when employees left the Town. She presented a balanced operating budget for fiscal year 2011-12 in the amount of \$8,558,731.

Bigall said the balanced budget had been achieved by requiring employees to pay their share of PERS contributions, eliminating the cash-out of unused vacation leave at year end, funding the capital equipment budget at 80%, capping sick leave accruals, and requiring department heads to make no increases in their materials and supply budgets.

The Director said that to backfill the loss of COPS revenue (in the state budget), staff and the budget committee of the Council proposed using 50% of the gas tax revenues to fund public works and engineering projects, along with street impact funds.

Mayor Slavitz asked if this would have an affect on other parts of the budget.

Ms. Bigall said that while this represented \$80,000 taking out of the streets rehabilitation project fund, the alternative would be to take the funds out of reserves. She said that Town staff did not assume that the COPS funding would be received this year, but if it was, she noted that other funding would not have to be used to backfill the loss of this revenue.

Director Bigall reviewed expenditure by department, stating that the Town was a "service-driven" operation. She said that the Town through its fiscal management had avoided laying off additional personnel to balance the budget.

Director of Public Works/Town Engineer Nguyen reviewed the Capital Improvements Budget for FY 2011-12. With regard to street rehabilitation, Nguyen said that there was no more funding for "failed streets" in the budget, but that the streets in the Del Mar neighborhood would be paved in 2012-13, following completion of the undergrounding.

Mayor Slavitz asked if this funding reduction would allow the Town to maintain its PCI. Director Nguyen said that it would remain at 73% in the near term, and that after paving Del Mar, it would probably go above 73%. He did recommend reinvesting funds in street rehabilitation on an annual basis, over time.

Director Nguyen described plans for a storm drain master plan and line flushing, plus repairs in the amount of \$215,000. He also described the community projects during the last fiscal year and coming fiscal year.

Town Manager described seven projects related to the Downtown Vibrancy Project in the Capital Improvement Budget and asked for Council consensus to proceed. The addition of restrooms at the Donahue Building raised some questions from Council, but Vice Mayor Fraser said that the downtown restrooms needed to be upgraded and the Council needed to look at where to locate an additional restroom downtown, but that was not under discussion tonight. It was recommended that the stated location (Donahue Building) be removed from the budget document and that the location be left open at this time. .

In looking at the bigger picture, Vice Mayor Fraser asked how it would be possible for the Town to get back to a position of being able to contribute to its reserves and build up a surplus. Director

Bigall said that there were many restricted funds that were continuing revenue streams, like gas tax revenues. However, she agreed that the Town needed to prioritize its budget for capital projects because it would not be able to spend at the current level (\$3 million in the current budget) every year.

Vice Mayor Fraser noted that the Town was “blessed” to have such good reserves. Councilmember O’Donnell noted that the reserves represented more than 100% of the Town’s operating budget, the highest in Marin County.

Councilmember Fredericks agreed that it was important to look at funding future reserves, and suggested perhaps establishing a “floor” to spending them down.

Mayor Slavitz said that it was important to find a middle ground but the fact that the Town was able to spend \$3 million dollars on capital improvement projects in the current economy was remarkable.

Mayor Slavitz opened the public hearing. There was no public comment.

Mayor Slavitz closed the public hearing.

MOTION: To approve resolutions: a) approving the FY 2011-12 Budget, and b) adopting the Gann Act Limit for FY 2011-12.

Moved: Fredericks, seconded by O’Donnell

Vote: AYES: Unanimous

### **TOWN COUNCIL REPORTS**

Councilmember Fredericks reported on a League Board meeting discussion of the SCS (Sustainable Communities Strategies) process and its the impacts on the Town of Tiburon. She said that the Director of Community Development had written a letter to MTC in support of receiving regional transportation funding for Marin County, noting that even though it is 84% open space, it provides farm to market economies, and the protection of agricultural lands also contributes to carbon emission reductions. She said that while providing housing along transportation corridors was a stated (SCS) goal, it really was a “one trick pony” because the emergence of Marin Clean Energy, the use of electric vehicles, and other programs in the county, were also important to the process.

### **TOWN MANAGER’S REPORT**

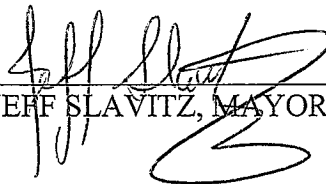
None.

**WEEKLY DIGESTS**

- Town Council Weekly Digest – May 20, 2011
- Town Council Weekly Digest – May 27, 2011
- Town Council Weekly Digest – June 3, 2011

**ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 10:13 p.m.

  
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JEFF SLAVITZ, MAYOR

ATTEST:

  
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DIANE CRANE IACOPI, TOWN CLERK