

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, April 20, 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

Pamela McConnell-Douglas, who described herself as a 50-year resident, senior citizen and disabled, complained of how the town had changed. She said she was charged a dollar for a glass of ice at a local restaurant. She also spoke about being bullied and said she did not want to see this happen to anyone. Her husband, Steve, said he supported his wife and what she was saying.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of April 6, 2016 special and regular meetings (Town Clerk Crane Iacopi)
2. **Legislative Action** – Recommendation to oppose proposed State Legislation (Assembly Bill 2586, Assembly Bill 2501, Assembly Bill 2322) that would limit local control over parking and housing development (Town Council Ad hoc Legislative Committee)
3. **Appointments to Boards, Commissions and Committees** – Affirm appointment of Councilmember Fredericks to Bay WAVE Policy Group – County of Marin Sea Level Rise policy committee (Town Manager Chanis)
4. **General Fund Reserves** – Authorize reallocation of General Fund reserves as recommended by Town Council 2015-16 ad hoc Budget Committee (Director of Administrative Services Bigall)

MOTION: To approve Consent Calendar Items 1 through 4, as written.
Moved: O'Donnell, seconded by Fredericks
Vote: AYES: Unanimous

ACTION ITEMS

1. **Railroad Trestle Trail** – Consider citizen-initiated (Tiburon Peninsula Foundation) project for a proposed pathway and related improvements to the former Railroad Trestle berm portion of Blackie's Pasture; provide direction to staff (Community Development Department)

Mayor Tollini said the Action Items would be taken out of order; Item No. 2 (special event permit) to be heard first.

2. **Special Event Permits** – Consider applications by The Ranch for special event permits: Tiburon Taps Beer Festival (Shoreline Park) and Trick or Treat Trail (Main Street/Ark Row) (Office of the Town Manager)

Town Manager Chanis said The Ranch had submitted special event permit applications for two events in the Fall; one at Shoreline Park and the other on Main Street and Ark Row. He said the first event, Tiburon Taps beer festival, had previously been staged at Point Tiburon Plaza for the past two years and noted The Ranch sought a change of venue for this year's event. He said both events contemplated street closure. He then turned the floor over to Cathleen Andreucci and Jessica Hotchkiss of The Ranch, to provide more details and a description of the events.

Ms. Hotchkiss described the layout of the beer festival which contemplated street closure between Paradise Drive and the Landmarks' (Donahue) building. She said fencing would be installed around the area to ensure the entrants were of drinking age. She said there would be tents and umbrellas for the beer vendors, and a stage for a live band, along Paradise Drive. Umbrellas for shade and wine barrel tables would be placed in the park area for participants.

Director Andreucci acknowledged that the event was relocating from Pt. Tiburon Plaza due to some issues, like beer being poured into planters. She said she would make sure the Point Tiburon Bayside lawn was fenced off to avoid any problems.

Ms. Andreucci noted the Shoreline Park location featured water views and would be an excellent draw for the event. She said that other locations had been contemplated but were not as convenient, especially for participants who arrive by ferry. She said that the beer festival fit within the criteria of five events allowed per year under the Shoreline Park policy, and was the third of the current year. She said the festival had been very successful; she said \$13,000 in revenue [last year's revenue] was used to support The Ranch programs, and its scholarship fund.

She asked the Council if there were any questions.

Vice Mayor Fraser asked if the hours of the beer festival mirrored the hours of the Tiburon Wine Festival. Staff noted that the Wine Festival hours are 1 to 4 p.m., while the Tiburon Taps permit requested hours of operation from 1 until 5 p.m.

Ms. Hotchkiss described the Trick or Treat event that would start in Tiburon and end in Belvedere. She said the idea was to have a safe place for children to go to trick or treat. She said she was working with downtown merchants to gain support for the event. Ms. Hotchkiss said that Main Street would be decorated with carved pumpkins and lead a “trail” to the Belvedere Community Center. She said it would be festive and bring people downtown.

Councilmember O’Donnell asked whether October 29 might be a better date, closer to Halloween. Ms. Hotchkiss said that the Chamber of Commerce preferred the October 22 because of other events on its calendar.

Councilmember Fredericks asked about merchant support. Ms. Hotchkiss said that she planned to approach them with the idea of staying open later and giving out candy, etc.

Mayor Tollini asked whether any money could be made on the event. Ms. Andreucci said it was not a money-maker; rather, it cost money. Jessica said that The Ranch would sell drinks and glow sticks at the park. Councilmember Fredericks noted that while it was not a revenue-generator, it was a “community-building” event.

Mayor Tollini opened the item to public comment.

Pamela McConnell Douglass asked how the [Trick or Treat] event would be funded and also said she was interested in having her community involved.

Hank McWhinney, Paradise Drive, President of the Point Tiburon Bayside Homeowner’s Association, said he had received short notice of the hearing and regretted not being able to sit down and talk with staff about the event prior to the meeting, as had been done in the past.

While stating that he admired The Ranch programs, he said there were four objections to the Tiburon Taps event: 1) Legal, 2) Neighborliness, 3) Safety, and 4) Town image. He went on to describe these objections:

1) Inconsistency with Shoreline Park’s dedicating documents which stated that its use was only for public purpose, of a recreational, open space, or historical nature. He said the beer event would discriminate by age and would keep people out of the park.

2) Neighbors have a right to peace and quiet, and that 1000-1250 people drinking beer (not “tasting”) would be a lot of beer being consumed; that it would be very risky, noisy, and crowded, and not an event that any neighborhood would want to listen to all afternoon; that it was not “compatible with the adjacent neighborhood” under town policy, literally 15 yards away from some residences, and that any event requiring police on duty should not be allowed; that the

attendance was being expanded over the previous years, due to the change of venue, and that its staging at Point Tiburon Plaza was not as intrusive to the neighbors, nor did it require street closure. McWhinney said that it was not an appropriate event in a quiet, residential neighborhood, and that fencing off the park effectively closed it for use by Tiburon residents.

3) Driving Under the Influence (DUIs) were a threat to residents and required money to have more police on duty; also, closing both lanes of Paradise Drive was unusual for events in that location, as was fencing off the park at both ends.

4) Shoreline Park is not an appropriate location for the event, and the event is not in keeping with the quiet, charming, upscale image of Tiburon like the art shows, Classic Car Show, and RCP Mile, which speak well of the community.

Mr. McWhinney said that the Town would be better off donating funds to The Ranch instead of allowing an event that had the potential to adversely affect and cause damage to the area. He said that merchants would not benefit from the influx of people, either. He asked that the Council reject the application as it was not contractually allowed, not neighborly, not safe, nor appropriate to Tiburon.

Rod Thompson, Paradise Drive, also a member of the Bayside HOA board, thanked the Council for listening to the homeowners and resolving the issue with the placement of the Gallows Wheels. He reiterated many of Mr. McWhinney's remarks; he concurred that the car show, art display, and swim event were all in keeping with the public use envisioned for Shoreline Park. He said the beer festival, which required purchase of a ticket and fenced off the area, was not. He said the greatest fear of the homeowners was that it would become a permanent event in that location. He lamented the thought of beer tents lined up "in front of our windows". He decried the "bottomless" beer ticket, as advertised.

Jay Key, 29-year resident of Point Tiburon, said he had participated in the Wine Festival but worried a precedent was being set for these types of events at Shoreline Park. He said that previous management had signed an agreement 29 years ago claiming the area "would always be a park".

He suggested that Blackie's Pasture would be a better location, like the Reed Regatta did. He said the organizers could run a bus there from the ferry. Alternatively, he suggested the parking lot adjacent to Town Hall where chili festivals had been staged in the past. Mr. Key said "were in favor of charities and causes" and if the event were a concert, for instance, staged by local firefighters, they would support it. Mr. Key also asked about insurance for the beer festival. He said the homeowners should be added to the rider. He said this event did not benefit the Town and the neighbors did not support it.

Another speaker, Jim Smith, noted there would be two large events in town on the same day-- Tiburon Taps and Blackie's Hay Day. He said the beer festival was not even being run by The Ranch, according to the website, Festivalnet.com, a for-profit corporation.

[Ms. Andreucci spoke up and said the festival website was selling tickets for the event but that the event was run and managed by The Ranch.]

Mr. Smith said the Town-approved events [on public property] were to be open to the public and said the event should be free, not requiring admission (\$45 per ticket). He said that people drinking beer all day would result in public intoxication and other problems. He said that re-routing traffic to Mar West, which is essentially a one-way street for 800-feet in one location, would be problematic. He asked whether a liquor license could be obtained for selling in a public park.

Another member of the board, Robert Roberti, resident of the area off-and-on for 50 years, said that all the points made by previous speakers were well intended and well thought out. He said the event did not pass the “what the heck is going on here test”. He agreed that the other events previously described had merit but that the beer festival was “way outside the envelope, and not a good fit”. He asked the Council to carefully consider these objections.

Mayor Tollini asked Ms. Andreucci if she would like to reply to any of the comments.

Ms. Andreucci said the beer festival was not a drunken brawl, and said some of the participants were neighbors at Pt. Tiburon. She said the car show closed the street and that the swim event was not free. She said The Ranch hires security for the event and that people in the community do come out and enjoy themselves; she added the participants are not “low class” citizens.

Director Andreucci went on to say The Ranch insurance could cover the HOA, if necessary, and that the set-up time could be changed from 7 a.m. to 8 a.m. She said permits were obtained to sell alcohol.

Ms. Hotchkiss concurred that The Ranch would obtain “extra layers of insurance” and that they worked with vendors who understand when to “cut people off” who have had too much to drink.

In response to the question about the Trick or Treat event, Director Andreucci said funding would be sought from merchants and realtors, but that The Ranch might return to Council to ask for additional funding.

Vice Mayor Fraser asked whether The Ranch had considered staging the event [beer festival] on Main Street. Ms. Andreucci said that because they would need to limit who could come into the area [by age], it represented a liability to the organizers. Also, she said it could cut off access to businesses which would likely not be supported by the business owners.

Mayor Tollini closed the matter to public and asked for Council discussion.

Councilmember Doyle asked about whether Ark Row had been considered, noting that the Art Festival had been staged in that location. But Doyle said he loved events at Shoreline Park; he

asked whether four hours out of 8700 in a year could have such a negative impact. Doyle said he had attended the beer festival and had not witnessed “sloppy, nasty, or drunken” behavior. Going back to the idea of Ark Row, Doyle said that it was also an easy location to access from the ferry and that it could be fenced off to allow access to shops and businesses, as well.

Councilmember Fredericks agreed with Doyle’s suggestion of staging on Ark Row. She said she, too, disagreed with the negative characterization of the beer festival. She noted that younger people, including her own children, enjoy tasting and identifying the different types of beers and ales and what goes into them. She said there was enjoyment in these festivals. But she said she was uncomfortable with the [Shoreline Park] location, as it did not seem consistent with the kinds of events previously approved in that particular location. Fredericks said that staging on Ark Row would also provide good exposure to that area of downtown.

Vice Mayor Fraser concurred with Councilmember Doyle’s idea, as well. He said he, too, had been to the beer festival and noted that consumption was regulated through the use of a very small cup. He said that Friday Nights on Main was a good example of a successful event staged in the downtown area, as was the wine festival. He said it was worth exploring the idea of staging the event at Ark Row.

Councilmember O’Donnell said he leaned toward approving the permit for the festival at Shoreline Park. He noted that while the residents and board members of Point Tiburon Bayside had valid concerns, he said some might be overblown.

O’Donnell noted the Shoreline Park Policy explicitly allows events that “temporarily deviate” from the customary use of the park. He said that he did not think a beer festival constituted a deviation, although he said it does deserve vigilance, and perhaps should not take place every year. O’Donnell said that he did not see the event as an onerous burden on the neighborhood. But he also said he would support the Council majority in this matter.

Mayor Tollini said she, too, understood not wanting a party in front of one’s home. But she commented that when her neighbors had parties, she sang along with their music.

The Mayor also said the Town’s Shoreline Park Policy limits the events in that location to five per year; that the beer festival was of short duration (1 to 5 p.m.), and it did not seem onerous. But she said she would be open to the idea of exploring the Ark Row location.

Vice Mayor Fraser suggested The Ranch come back to the next meeting, and report on the feasibility of staging on Ark Row. He also asked that the hours of operation of the festival be reduced to three hours, like the wine festival.

Councilmember Doyle noted there were only 20 beer vendors in the event. He suggested that if the lay-out of the Shoreline Park event was changed to move the band closer to the Donahue Building, for instance, it might be more feasible.

MOTION: To ask The Ranch staff to explore the possibility of staging Tiburon Taps on Ark Row; to shorten duration (hours) of the event duration, and re-work the layout of the event, if Shoreline Park is approved as the location.

Moved: Fraser, seconded by O'Donnell

Vote: AYES: Unanimous

MOTION: To approve the Trick or Treat event application, as submitted.

Moved: O'Donnell, seconded by Doyle

Vote: AYES: Unanimous

Action Item No. 1 – heard second, at 8:20 p.m.

1. Railroad Trestle Trail – Consider citizen-initiated (Tiburon Peninsula Foundation) project for a proposed pathway and related improvements to the former Railroad Trestle berm portion of Blackie's Pasture; provide direction to staff (Community Development Department)

Director Anderson gave the report. He said the project was a follow-up of work that was started by the Tiburon Peninsula Foundation (TPF) a few years ago at Blackie's Pasture. He said it would consist of a 600-foot accessible color pathway up to and atop the Trestle Berm, with the final 20 feet being railroad track with a realistic appearance. He said there would be some benches, and "then and now" historical markers, similar to the ones installed by the Foundation along Old Rail Trail.

Anderson said the project must comply with Title 24 (Americans with Disabilities Act), as well as Town safety standards. He said the TPF had provided a preliminary cost estimate of \$125,000 for the project. He noted that fundraising was an important component, and that the Foundation contemplated a contribution from the Town, as well. If public [Town] funds are used, Anderson said the public bidding process would be required for the contract which would, no doubt, drive up the cost of the project.

As more fully detailed in the written staff report, Director Anderson said the project was consistent with uses specified for the area in the Tiburon General Plan and Tiburon Zoning Ordinance. He said it would primarily consist of flat work and there were no adverse impacts from view blockage. He said the result was that many more people would be able to enjoy the area.

Anderson said the POST Commission had voted unanimously to endorse the project and refer it to the Council for final approval. He said that over 250 notices had been sent out to surrounding neighborhoods and no written comments had been received as of tonight's meeting. Anderson said the project preliminarily appears to be exempt from CEQA, a determination that would be finalized if the Council chooses to approve the project. He went on to say that if the Council approves the project in concept, the next steps would be to direct staff to work with the TPF and prepare bid documents, go through the bidding process, award the contract, and obtain the necessary zoning and building permits.

Councilmember Fredericks asked if the project could come back to the Council before the “build” phase for review of costs and the like. Director Anderson concurred that it would be advisable to keep the Council informed on the progress of the project. Fredericks said this was particularly important before the project goes out to bid, as the Town Council had experienced being surprised by escalating costs on projects in the recent past.

Vice Mayor Fraser agreed, adding that an amount for contingency should be added to the project cost and taken into consideration for raising enough funds.

Councilmember O’Donnell said he would like to know more about how the safety issues of the area would be addressed, noting that “kids on bikes” would be attracted to the area.

Mayor Tollini asked for a presentation from the applicants.

Jim Wood, resident of Vistazo West Street, spoke representing the TPF board, sponsors of the “Trestle Trail” project. He acknowledged other members of the team, including Petey Stein, David Holscher, Tom O’Neill, and Phil Cassou. He said their mission was to bring the history of the railroad to the Town. He said the group had already raised \$30,000-- \$15,000 from TPF and \$15,000 from the Belvedere Community Foundation – and they would ask the Town for a \$40,000 to the project. He said the goal was a 2:1 private/public funding partnership.

Mr. Wood described the fundraising efforts of selling 60 authentic redwood railroad ties, on which a bronze plaque could be affixed with the donor’s name. He said the group hoped to sell them at Friday Nights on Main for \$2,000-\$2,500 apiece. He said at the end of the trail, there would be actual rail and ballast. He said the ties would be sunken into and flush with the ground (grade). Wood also said they would sell railroad spikes at \$250 each, with these donors recognized in a nearby plaque.

He said the donor recognition also helped to address the many requests for memorials, and would “fit in” to the area, as well. He said if all the ties and spikes were sold, the money could go into contingency (cost overruns) and ongoing maintenance of the project, which he said could run \$3,000-\$6,000 per year.

Wood said the project design would complement the newly installed picnic area (Blackie’s Picnic Meadow) and would overall give residents and visitors alike a historical perspective of the area. He said it promoted a sense of community, to “belonging to something”.

Dave Holscher, resident of Paradise Drive, architect on the project and member of TPF, reviewed the project drawings with the Council. He said it was a simple design, essentially a walking path to the end of the track. He said there was a beautiful vista atop the berm, and at the end of the trail there would be a picture of the trestle that used to be there. He said it was not “fancy” nor would it create blight to the area. He said it would fit it well, and be part of, the adjacent Blackie’s Pasture area. He also said the brown tone would blend in with the natural

surroundings, and be a nice, quiet addition to the area. He said the berm was as essentially a “forgotten area”.

In response to question about safety from Councilmember O’Donnell, Mr. Holscher said there would be a barrier at the end of the trail that would be self-defeating so that bicycles could not jump over it.

Councilmember Fredericks wondered whether bicyclists could have a place to park their bikes and walk up the berm. Holscher said the path was essentially a walking path, paved with inlaid trusses.

Mayor Tollini asked if there was any railing contemplated. Holscher said no. She also asked whether the benches would be visible from the road. The benches were described as backless, wooden benches. And Councilmember Fredericks added that top of the berm is not visible as you are driving by the area; the only visible portion is the end of the berm.

Mayor Tollini opened the matter to public comment.

Parker Pringle, Tiburon native, said he wholeheartedly supported the project. He said the trestle was an icon of the Town’s railroad past, along with the Donahue Building and [Railroad] palm tree at Point Tiburon, and that it really needed to be preserved.

Jeff Slavitz, current President of the TPF, said it was a wonderful project and would make a forgotten area a destination. He agreed that it would become an attraction; he noted that while he served on the Town Council, similar [attractive nuisance] concerns were expressed about the installation of Blackie’s sculpture which had turned out to not be as onerous as imagined. He said the Town would make any necessary adjustments to this project, if needed, as well.

The Council asked a few more questions about the barrier. Mr. Holscher admitted that he was not really a fan of installing a barrier, because it would make the project more visible, and he would prefer instead to pull the pathway back about 20 feet to ensure safety [without the addition of a barrier]. He said the barrier might be visible from the road, and he would prefer to grade up a bit instead.

Jim Wood said he hoped they would have the funds to restore the timbers on the trestle, as well. He compared the project to the High Line in New York City, a restoration of an elevated railway that was now widely used as a walking path and scenic area.

Mayor Tollini closed the matter to public comment.

Councilmember O’Donnell said he was happy to support the project and would vote to authorize the \$40,000 donation by the Town. He said he would like Town staff to work with Mr. Holscher to limit the size and scale of the barrier, as he felt it would detract away from the overall project.

Councilmember Doyle said he loved everything about the project—the photos and historical aspect—and said he wished the original trestle had been preserved. He suggested that the ballast at the end might be embedded rather than raised gravel. He jokingly said it might be fun to have a rail car or cart on the tracks.

Councilmember Fredericks also voiced her support. She said the project represented a good balance of trails in the area—some dirt and some paved—and that she liked the proposed materials. Fredericks said she was happy that the trail would not be visible and said she, too, would support the requested contribution by the Town, but stated that \$40,000 should be the limit. She added that the TPF should create a trust for ongoing maintenance. Fredericks also agreed that design features should be utilized to discourage bicycle use on the trail.

Vice Mayor Fraser applauded the TPF for a project that would bring the community together. He agreed with Councilmember Fredericks that \$40,000 should be the maximum contribution by the Town.

Mayor Tollini concurred with the previous remarks in all aspects – historical preservation, education, connecting the community, and limiting what might be visible from the road.

MOTION: To approve the project in concept and authorize filing of the CEQA exemption; to direct staff to work with the applicants to limit the size of any barrier or visible features; also, to authorize the \$40,000 budget appropriation in the 2016-17 fiscal year budget.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

Mayor Tollini, Town representative to the Richardson Bay Regional Agency (RBRA) reported on the proposed mooring field and enforcement issues regarding anchor outs. She said the City of Sausalito had voted against funding a mooring field in favor of other means of enforcement. She said another request for funding, to remove sinking boats, had also been declined by the City. She noted the City also recommended that the other RBRA agencies split its JPA costs evenly, rather than on current formula based on percentage of coastal lineal footage. Mayor Tollini commented that the future of the RBRA appears somewhat uncertain.

TOWN MANAGER REPORT

Town Manager said the Yellow Bus Challenge web platform was ready and bus passes would go on sale on May 2. He also reported that the Reed Union School District had appointed two directors, and the JPA was now in a position to move forward.

WEEKLY DIGESTS

- Town Council Weekly Digests – April 7 & April 15, 2016

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 8:58 p.m.

ERIN TOLLINI, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK