

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, May 4, 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, Director of Community Development Anderson, Director of Public Works/Town Engineer Barnes, Director of Administrative Services Bigall, Associate Planner O'Malley, Town Clerk Crane Iacopi

ORAL COMMUNICATIONS

None.

INTRODUCTION OF NEW TOWN EMPLOYEE

- Associate Engineer - Dmitriy Lashkevich

Director of Public Works/Town Engineer Barnes introduced the newest member of the Public Works department, Dmitriy Lashkevich. He said in a very short time, Dmitriy had made improvements to the Town's encroachment permit process, and had taken on several projects. Dmitriy said it was a pleasure to be aboard and thanked the Council for the opportunity. Vice Mayor Fraser commented that he had already received positive feedback from a homeowner who stated that Dmitriy had saved him a lot of money on his project during his interaction at Town Hall.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of April 1, 2016 Town Council/Staff Retreat (Town Clerk Crane Iacopi)

Vice Mayor Fraser made a correction to Item No. 1, page 2, paragraph 3, to read: "Vice Mayor Fraser disagreed with this approach; he said it was not good practice to rely on a back-up fund; that our goal should always be to focus on fine-tuning the budget and not have a 'slush fund'."

2. **Town Council Minutes** – Adopt minutes of April 20, 2016 regular meeting (Town Clerk Crane Iacopi)
3. **Town Post-Employment Benefits** – Recommendation to authorize participation in the Public Agency Retirement Services (PARS) Trust Program for Other Post-Employment Benefits and Pension Liabilities (Director of Administrative Services Bigall)

MOTION: To approve Consent Calendar Items 1 through 3, as amended.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Unanimous

ACTION ITEMS

1. **McKegney Green Soccer Field Upgrade** – Consider consultant's report and provide direction to staff (Director of Public Works/Town Engineer Barnes)

Town Manager Chanis said the Council discussed McKegney Green at its March 2, 2016 regular meeting, and authorized a pre-design scoping study to better determine the project requirements for a possible renovation of McKegney field. He said staff had engaged Abbey Arnold Associates for the study on March 4, 2016. Chanis noted that McKegney field was also discussed at the Town Council/Staff Retreat on April 1, 2016.

The Town Manager said these discussions centered on how the elevated levels of salt found in the soil, and recycled water used for irrigation, might affect the project. He said Council had requested staff to investigate turf grasses used near salt water on golf courses in the Bay Area to see if these might be suitable for use on the McKegney project.

Town Manager Chanis reported that the pre-design study had been completed and included information related to: existing soil conditions, irrigation water sources, and biological considerations at the site. Using this information, Chanis said the consultant has provided five (5) possible options for improving the existing field, along with associated estimates of probable cost.

The Town Manager summarized these findings and recommendations in a power point presentation. He noted there were five options listed; however, he said many other possible iterations could be considered.

With regard to selection of grasses, Chanis said that the use of Paspalum [grass] would be experimental on a soccer playing field surface (he said it had only been used on golf courses in the Bay Area) but it could be used with the recycled water currently used to irrigate the field. But he said if the Town's 1988 permit for recycled water were reopened for any reason, its use might not be allowed on a playing field. He said current regulations would require additional treatment at a cost of \$3.38 per cubic foot.

If Bermuda grass is selected for the field, Chanis said it would need year-round irrigation which would require potable water. The Town Manager said the cost of potable versus recycled water would add \$310,000 to the cost of options to be considered – \$310,000 being the estimated connection fee for Marin Municipal Water District.

The Town Manager said that staff had also been requested to evaluate artificial turf in the study. Chanis said natural turf provides 800 hours of playing time versus 1200 hours of playing time per year. He said natural turf would require re-sodding every 10 years, and that the cost for natural turf options included “reserves” for replacement of the sod.

Town Manager Chanis said artificial turf would also need replacement every 10 years. He said most fields used fencing to protect the turf from undo wear and tear, soiling by dogs, and the like. He said artificial turf’s popularity and durability might result in increased use and unintended consequences like inadequate parking and traffic problems. He said these issues had not been analyzed in the scoping study.

Chanis reviewed a matrix of the five options:

Plan 1 would include repair of the existing 75,000 square foot sand-based field; repair the existing irrigation but make no additional drainage improvements to address standing or pooled water. The cost of this plan is estimated at \$685,000, and with the addition of potable water, would come to \$995,000.

Plan 1A would include improved drainage which could increase field usage time, and is estimated to cost \$865,000, plus potable water, for a total of \$1.75 million.

Plan 2 would restore the entire field area to 1975 functionality – 75,000 of sand-based field and 75,000 of soil-based field, plus upgrades to irrigation and drainage. Chanis said this cost is estimated at \$1.1 million, without potable irrigation water, and \$1,410,000 with potable water.

Plan 3 would expand the sand-based area, according to the Town Manager, increasing it to 200,000 square feet of sand-based field. He said the expansion of the sand-based area would allow multiple playing fields. This plan envisions a complete replacement of irrigation, drainage improvements, and potable water, at an estimated cost of \$2.6 million. Chanis noted that the cubic footage of water needed for this option would exceed the current permit.

Plan 4 would consist of 180,000 square feet of artificial turf, one large field and two smaller fields, all-weather play, and fencing. He said the estimated cost is \$3.1 million (and parking/traffic issues not part of study).

The discussion moved to Council questions.

Councilmember O'Donnell asked about the reluctance to re-open the 1998 water permit. Town Manager Chanis said regulations had changed and it was likely that the secondary recycled water currently used by the Town for irrigation would not be allowed under a new permit. He said that Department of Health Title 22 (use of recycled water) called for tertiary water to irrigate playgrounds used by children.

O'Donnell said he had spoken informally with a local water engineer who said that this type of water (secondary water) has been chlorinated and is very clean. He asked whether an analysis had been done of the water.

Director of Public Works/Town Engineer Barnes said that the Town had information from the Sewerage Agency of Southern Marin (SASM) that the water is, in fact, secondary treated water. He said that tertiary water is a finer filtration. He agreed that secondary water is chlorinated and looks as clean as drinking water. However, Barnes said even using conservative calculations the salt levels are double what should be used for irrigation. He said the consultant's report recommended a 75% potable/25% tertiary water mix for irrigation.

Councilmember O'Donnell asked if recycled water was used on other parks in Town. Director Barnes said it was only used at South Knoll Park and McKegney Green.

O'Donnell asked whether any discussions or negotiations had been initiated with Richardson Bay Sanitary District on the topic of water usage. Barnes said there had been some discussion but all indications were that any change to the permit might result in a loss of permitted water.

Councilmember Fredericks asked whether planting Paspalum would require using only recycled water, and conversely, whether the Town would be at risk during drought years if it used potable water.

Town Manager Chanis replied that if the Town switched to potable water for irrigation, there would not be a limit on the gallons used for irrigation. Under this scenario, Paspalum grass would not be needed. But he acknowledged that if mandated restrictions were implemented during a drought, and water usage constrained, there would be a risk in switching to potable water.

Director Barnes noted that the City of Mill Valley had struggled during the drought but had managed to keep their fields alive over the summer.

Councilmember Fredericks asked about timing and whether the Council might consider a two-tiered decision-making process: that is, a design selection phase, along with an identification of funding phase. With regard to timing of the project, Town Manager Chanis said that if funding were available today, it was possible that a minimal project could be ready this Fall.

Councilmembers Fredericks and O'Donnell asked questions about the pro's and con's of Paspalum versus Bermuda grass, and the impacts on water use and irrigation, and possible infiltration by other types of grasses.

Town Manager Chanis said the cost of installing the two grasses was about the same (about \$125,000). O'Donnell reasoned that if the Town installed Paspalum and it did not work out, it could be replaced. Town Manager Chanis said that if Bermuda grass was installed, the Town would have to switch to potable water for irrigation. Director Barnes said that installing a potable system, and blending water, would open the Town's permit to review.

Vice Mayor Fraser asked questions about the need to expand the size of the field, even doubling it, from 75,000 square feet. Chanis said the needs of the field users was not part of this study, however, he said that a larger area would allow rotation of fields, moving of goal posts and the like, which would spread the usage to a wider area and lessen the impact on just one field. He said Town staff had heard from the field proponents that there was a desire for more space.

Vice Mayor Fraser commented that it would be good to "do it right" the first time and not have to revisit the idea later, when there was a desire for more field space. He also asked whether Staff had received feedback on natural versus artificial turf, and whether anyone had talked to users of the Tam High School fields – one artificial turf which seemed to have a lot of usage – and one natural turf. Director Barnes said no, but noted the consultant said artificial turf was a "game changer" in the two locations he had worked on.

Councilmember Fredericks asked why artificial turf fields needed to be fenced. Barnes said it was to protect the turf from vandalism and from dog waste.

Councilmember O'Donnell said he, too, had questions about the size specifications in the study. He said the original estimates from the soccer club were different than the proposed specifications in the study.

He noted the existing area had built-in drainage through crowning and swales (French drains) and suggested that these drainage systems be utilized in the new plan.

O'Donnell wondered how it was known that 75,000 square feet of the existing field was sand-based, and 75,000 was soil based. Director Barnes said that the Town had the 1975 field plans and said the consultant had verified this data in the field, through borings to measure sand depth and salt.

Town Manager Chanis said that Plan 2 essentially mirrored the 1975 plans with some improvement to drainage.

Vice Mayor Fraser asked about the water exchange between SASM and Richardson Bay Sanitary District. Director Barnes explained how the water is pumped to SASM for treatment, and then is pumped back to Richardson Bay for usage, and through a water main to the outfall near Sanitary District No. 5.

Vice Mayor Fraser asked about a variation on Plan 3 that would keep the existing practice fields in grass and perhaps install artificial turf on the main field. He asked whether the configuration would take care of the concerns about re-opening the Town's water permit. Town Manager Chanis said that could be an option, and staff could put together a scenario. He noted that this option would require a hybrid system for irrigation, however.

Councilmember Doyle said the upside to the Vice Mayor's suggestion is that it would mean that certain areas of the field were left [as grassy areas] for people to use on a more casual basis, for sunning, flying kites, and the like. Then, the turf field could be fenced for sports use, similar to how it is used at Dominican University. He said the Town should get an estimate for this scenario, and the use of a turf field could generate more revenue to pay for its installation. Doyle said the Dominican field was a great field.

Director Barnes noted that the artificial turf contemplated by the consultant's report was not the rubber-pellet type that was seen as controversial. Also, he said the turf could be "watered down" to address heat issues, if needed.

Mayor Tollini opened the matter to public comment.

"Soccer Dad" Bill Ross said the cost of the different scenarios in the study were daunting but the alternative was an unsafe field that is unavailable for play a good part of the year (five months this year already). He said the existing playing surface was pitted and uneven which is not conducive to learning good soccer skills. He said the soccer club is the biggest user of the field, however, he acknowledged the different types of users for the greater recreational area. He said if it were just soccer, artificial turf would be a preference. He added that he was not sure why fencing would be needed.

Mr. Ross said he had walked off an area of 110 x 70 feet. He said the field size needed for soccer was 100-110 by 55 feet wide. He also described a 60x40 foot field for the under-12 age group, and an even smaller field for under-10. He said there would be adequate room there for these uses, and the fields would not need to be lined. So he said his preference would be a field size somewhere between 110 and 125,000 square feet --somewhere between Options 2 and 3-- and a sand-based, Bermuda grass field.

Elena Stephens, who said she had both soccer and lacrosse players in her family who use the field, noted the seasons have been extended in these sports and some clubs have year-round programs. She said having more field areas with more use would be beneficial. She said that more playing time is sought by and hoped for by the young families with children in Town.

Tiburon Soccer Club representative, Mattias Kreutzman, said the TSC had 800 players. He thanked the Council for considering upgrades to the field. Kreutzman said an artificial turf field would be fantastic, and a hybrid plan would be fantastic, as well.

There were no additional speakers and Mayor Tollini closed the matter to public comment.

The Council began its deliberations at 8:20 p.m.

Councilmember Fredericks said she had long supported upgrades to the field and agreed that a playable, safe field was needed. She also spoke of the conflicting interests that arise over the use of McKegney Green. She said our townspeople value open space, and the scenic, leisurely and uncrowded nature of the green; she said these values are memorialized in the Town's General Plan and recreation survey. Fredericks noted that while there are more children in town, as mentioned by one of the speakers, the schools had also noted that they have reached the high point of the growth curve in population.

Fredericks said the aforementioned recreation study stated that 50% of Town residents are over the age of 45. She said this age group values walking and other forms of exercise on flat surfaces. What this means, according to Fredericks, is a need to make the best use of the fields for both sports and other uses. But she said that extending the hours of play would represent a "lost opportunity cost" to a significant number of other, non-sports users. She said the goal should be useable fields at current levels of use (and maybe a bit more), and fields that are useable for more months of the year.

Fredericks said the Town should seek to control costs and water use, with a lowest priority of enlarging the field and extending hours of play (and a need to generate more revenue). She said she was gravitating toward support of Plan 2 which represents a balance of use, a more feasible cost, and realistic and reasonable field size and use levels. She said this recommendation should also be considered within the context of Councilmember Doyle's remarks.

Councilmember O'Donnell echoed most of his colleague's remarks, but said he was not in favor of artificial turf. He said he supported a way to fix the field that was cost effective and would not spend the Town's resources unwisely. But he said he was against Plan 2 because we don't need 150,000 square feet of playing field; he recommended that 110 or 120,000 square feet be considered.

O'Donnell said the use of recycled water was more environmentally friendly than the use of potable water; he said he did not "buy into" the State's regulations that would require tertiary treatment. He said he would like to explore the use of Paspalum grass, as it is used extensively for high impact sports like football (in Orlando and Jacksonville stadiums).

Councilmember O'Donnell said that Option 1 would more closely mirror the existing field footprint and budget. He said he would like to see the soccer club raise \$150,000, perhaps through a field use fee, and this contribution would go a long way toward winning over the non-soccer users. He said the other options would require fencing, and would contribute to a higher intensity of use in the area, and noise, which would have impacts on surrounding neighbors. He said what was needed was a nice, level playing surface, with natural turf, and moderated use by

the soccer players (by moving goal posts arounds, etc.); and leave the natural drainage that is there now.

Vice Mayor Fraser said he was intrigued by Councilmember Doyle's suggestion for a combination of fields, utilizing both natural and artificial turf. O'Donnell agreed that a multi-use environment, consisting of regulation and practice fields, was important.

Councilmember Doyle said he was very glad to see the Council undertaking this analysis. He agreed that McKegney Green is a special place. He said he would support Council consensus for whatever works in the long run but noted that maintenance costs for grass were much higher than turf (\$70,000 for grass and \$10,000 for artificial turf). He suggested that an analysis of a combined field would be the wise thing to do.

Mayor Tollini said the Council was unanimous in its desire to see McKegney Green "fixed for our kids". However, she said she did not agree with installing artificial turf. She said it would be sad to see a fenced field, and a field that looked "fake", in that location. She said the area is a "gem" and part of the Town's open space; she said Tiburon is known for its open spaces which must be preserved. She discouraged the use of painted lines.

Mayor Tollini said that the goal should be to install new grass only once, and that she was a bit nervous about experimenting with the Paspalum grass, especially if the drainage is not upgraded. She said she would like a long-term solution so that the issues did not have to be revisited for 10 years. She said a field size of 110-125,000 square feet seemed more useable in the long run.

Mayor Tollini said the biggest question was money – how to pay for the improvements. She said she would support a plan, possibly Plan 1A, if matching funds could be raised by the community. She said she would also support a multi-year [phased] plan. But she noted the possible budget impacts in the coming year of a new [Hawthorne Terrace] undergrounding district; estimated to cost up to \$2 million in Town funds. She said some time should be taken to find a way to pay for the project.

Councilmember O'Donnell pointed out that the Paspalum grass was recommended by the consultant as a way to use the Town's current irrigation, and not have to convert to more expensive potable water. Mayor Tollini and Councilmember Fredericks said that they interpreted the consultant's findings as a recommendation against using this type of grass.

Fredericks said both grasses had associated risks – one for possible failure (because it had not been shown to be successful at this latitude) and one that could be adversely impacted by drought and water restrictions. Mayor Tollini said some other agencies' fields had survived the drought.

Councilmember Doyle said he would prefer natural grass, as well, but noted that installing artificial turf would mitigate both the risks mentioned by Fredericks. In addition, Doyle said it would allow year-round play.

Councilmember O'Donnell said a well-drained field should allow year-round play, as well.

Vice Mayor Fraser said it would be presumptive to think there was opposition to artificial turf in the community without first asking. Mayor Tollini noted that tonight's meeting represented an opportunity for people to comment on the options.

Mayor Tollini, as well as Councilmembers Fredericks and O'Donnell concluded, in the end, they could not support the use of artificial turf in that location, or further study of that option.

Mayor Tollini continued to press for improved drainage on the field. Bill Ross commented that if the non-sand-based area is not improved, it would not be a useable [field] area.

The Council continued its back and forth discussion about the field sizes and maintenance costs, and which of the five options – Plan 1, 1A, 2, 3 or 4 – might be viable. Because no consensus on a particular plan was reached, Vice Mayor Fraser asked the Council to focus instead on what the top priorities (features) were.

These were identified as: 1) an 110,000-square foot playing field that is 2) sand based; with 3) options for type of grass -- Paspalum (which can use recycled water) or Bermuda (which would need potable water for irrigation); and 4) upgraded drainage.

There was no motion, but direction was given to staff to move forward with the preparation of a design contract for McKegney Green that would include the elements listed above.

Staff was also directed to ask the consultant to do more definitive research into Paspalum and its viability in this location.

Mayor Tollini continued to press for a [public/private] funding plan before any further action on the project is taken.

Town Manager Chanis said that staff could provide a cost estimate of a project that would include the above criteria, as well as request a proposal [contract] to design the project.

Councilmember Fredericks asked how much the design costs would be. The Town Manager noted it would be included as part of the "soft costs" listed on the matrix; for example, he said plan 1 soft costs were estimated at \$52,000 and Plan 2 at \$91,000. He suggested the design cost would be somewhere between those two figures. Councilmember O'Donnell expressed concern over having to spend so much on design costs.

Mayor Tollini asked for and received Council consensus to move forward to the design phase.

PUBLIC HEARING

1. **Marin Municipal Water District (MMWD) Water Efficient Landscaping** – Amend Title IV, Chapter 13E (Water Efficient Landscape) of the Tiburon Municipal Code to adopt by reference the most current MMWD ordinance regarding water-efficient landscapes and water conservation (Community Development Department) – *Introduction and first reading of ordinance*

In her report, Associate Planner O'Malley said the Town initially adopted a Water Conservation chapter of its Municipal Code in 1990, focusing primarily on landscape requirements, and had revised them again in 2010 and 2011 to meet new and stronger provisions adopted by MMWD. She said in late 2015, MMWD adopted new water conservation requirements to meet new and more stringent State standards. She said the proposal before the Council would amend the current Town regulations with respect to Water Efficient Landscaping and adopt by reference the revised MMWD regulations (Ordinance No. 430), and successors and amendments thereto.

O'Malley said the primary changes to the latest MMWD regulations (as they affect the Town) are 1) increased water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems; 2) graywater usage; and 3) limitation on turf and high-water-use plants.

She said the requirements would apply only if a design review approval or a building permit is required from the Town in association with the work. O'Malley said the Town's processing procedures will remain the same.

With regard to enforcement, O'Malley said the Town's ordinance would continue to designate MMWD to implement, enforce, and monitor the requirements of the ordinance, as permitted under state law. According to the Associate Planner, adoption by reference of MMWD regulations is the same approach used by the other municipalities in the MMWD service area (all Marin cities except Novato), and has the benefit of providing uniformity of application and consistent standards, while at the same time meeting stringent state requirements for water conservation.

She said staff has preliminarily determined that the subject application is categorically exempt from the requirements of CEQA per Section 15308 of the CEQA Guidelines and is also exempt under the general rule set forth in Section 15061(b)(3) of the CEQA Guidelines.

Ms. O'Malley recommended that the Town Council hold first reading of the ordinance at tonight's meeting. She went on to explain that because the Town is adopting another agency's regulations by reference, the procedure set forth in state law is slightly different than is typical for adoption of local ordinances, that is, a first and second reading is required of the ordinance. She recommended that the Town Council conduct a public hearing, introduce and hold first reading of the proposed ordinance, and if passed, continue the item for a second public hearing and adoption at the June 1, 2016 regular meeting.

Vice Mayor Fraser asked about “the bouncing ball” effect when an applicant has to apply to multiple agencies for permits. He described a scenario whereby an applicant for a new house might gain approval of a Landscape Plan from the Town that might be rejected by MMWD. He asked whether the applicant would have to go back to the Town’s Design Review Board (DRB) for a second time, and if so, could fees be waived.

Associate Planner O’Malley said in most cases, staff recommends to applicants that they first seek MMWD advice and compliance with landscape plans. She said Town staff routes plans to MMWD first before they are reviewed by the DRB. The applicant then goes back to MMWD for a sign-off during the building permit process.

Director of Community Development Anderson agreed that the potential for a “bouncing ball” effect had been around since 2010 and admitted that agencies are still “catching up”, especially as the regulations get tougher. However, he said he cannot recall ever having seen the “bouncing ball” effect locally and said Town staff is on the lookout for these kinds of issues.

In addressing the fee question, Anderson said there was a minimal fee requirement now, but said the Town could process a fee waiver request as a matter of policy.

Councilmember O’Donnell related his experience of MMWD and Fire District conflicting regulations when he installed landscaping at his new home. Anderson said staff had witnessed this, as well, but said that in his opinion, progress was being made as the agencies work more closely to gain consistency and address these issues.

Mayor Tollini opened the public hearing. There was no public comment. Mayor Tollini closed the public hearing.

MOTION: To read the ordinance by title only.

Moved: O’Donnell, seconded by Fraser

Vote: AYES: Unanimous

Mayor Tollini read, “An ordinance of the Town Council of the Town of Tiburon amending Title IV, Chapter 13E (Water Efficient Landscape) of the Municipal Code and adopt by reference Marin Municipal Water District (MMWD) Ordinance No. 430 regarding water conservation.”

MOTION: To pass first reading of the ordinance by roll call vote.

Moved: O’Donnell, seconded by Fredericks

Vote: AYES: Doyle, Fraser, Fredericks, O’Donnell, Tollini

MOTION: To continue second reading and adoption to the June 1, 2016 Town Council meeting.

Moved: Fredericks, seconded by O’Donnell

Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

Councilmember Doyle reported on a meeting with representatives from Tiburon, Mill Valley and Caltrans regarding mitigation measures to ease traffic at the Tiburon/Mill Valley/Highway 101 interchange. He said the lights on the overpass could be timed for a more continuous flow and “No U Turn” signs at been installed at North Knoll Road and another location. He said Mill Valley also was talking to Caltrans about installing a third lane for the 101 off-ramp [southbound]. Doyle said Mill Valley suggested that Tiburon might contribute to this project. He also commented that three lanes would not address the traffic build-up on East Blithedale Avenue due to the reduction to one lane in the vicinity of the shopping center.

TOWN MANAGER REPORT

None.

WEEKLY DIGESTS

- Town Council Weekly Digests – April 22 & April 29, 2016

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 9:45 p.m.

ERIN TOLLINI, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK