



TOWN OF TIBURON  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

**TIBURON TOWN COUNCIL**

September 21, 2016  
Regular Meeting - 7:30 p.m

**AGENDA**

**CALL TO ORDER AND ROLL CALL**

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, Mayor Tollini

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

**PRESENTATION**

**ORAL COMMUNICATIONS**

Persons wishing to address the Town Council on subjects not on the agenda may do so at this time. Please note however, that the Town Council is not able to undertake extended discussion or action on items not on the agenda. Matters requiring action will be referred to the appropriate Commission, Board, Committee or staff for consideration or placed on a future Town Council meeting agenda. Please limit your comments to three (3) minutes.

**CONSENT CALENDAR**

All items on the Consent Calendar may be approved by one motion of the Town Council unless a request is made by a member of the Town Council, public or staff to remove an item for separate discussion and consideration. If you wish to speak on a Consent Calendar item, please seek recognition by the Mayor and do so at this time.

**CC-1. Town Council Minutes**

Adopt minutes of July 20, 2016 meeting (Town Clerk Crane Iacopi)

Documents:

[CC-1.PDF](#)

**CC-2. Town Council Minutes**

Adopt minutes of August 3, 2016 meeting (Town Clerk Crane Iacopi)

Documents:

[CC-2.PDF](#)

**CC-3. Town Council Minutes**

Adopt minutes of August 17, 2016 meeting (Town Clerk Crane Iacopi)

Documents:

[CC-3.PDF](#)

**CC-4. Town Investment Summary**

Accept reports for July and August 2016 (Director of Administrative Services Bigall)

Documents:

[CC-4.PDF](#)

**CC-5. 1860 Mountain View Drive**

Adopt resolution memorializing the granting of an appeal of a denial of an Encroachment Permit for the installation of a security gate in Town right-of-way at 1860 Mountain View Drive (Public Works Department)

Documents:

[CC-5.PDF](#)

**CC-6. "Bay Day"**

Adopt resolution proclaiming October 1 "Bay Day" in the Town of Tiburon (Town Manager)

Documents:

[CC-6.PDF](#)

**CC-7. Town-Owned Housing Policy**

Adopt revised policy for Town-owned Below Market Rate rental units at Point Tiburon Marsh (Town Manager)

Documents:

[CC-7.PDF](#)

**CC-8. Conflict Of Interest Code Update**

Adopt resolution accepting the biennial review and update of the Town's Conflict of Interest Code (Town Attorney/Town Clerk)

Documents:

[CC-8.PDF](#)

### **CC-9. Police Vehicle Replacement**

Recommendation to approve a FY 2016-17 budget amendment to replace a police vehicle (Department of Administrative Services)

Documents:

[CC-9.PDF](#)

### **ACTION ITEMS**

#### **AI-1. Open Space Management Plan Update**

Discussion and adoption of prioritization plan for Town-maintained Open Space (Department of Public Works)

Documents:

[AI-1 STAFF REPORT.PDF](#)  
[AI-1 EXHIBITS.PDF](#)

### **TOWN COUNCIL REPORTS**

### **TOWN MANAGER REPORT**

### **WEEKLY DIGESTS**

### **ADJOURNMENT**

## **GENERAL PUBLIC INFORMATION**

### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (415) 435-7377. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

### **AVAILABILITY OF INFORMATION**

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Belvedere-Tiburon Library located adjacent to Town Hall. Agendas and minutes are posted on the Town's website, [www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us).

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least 5 days before the meeting. Requests should be sent to the Office of the Town Clerk at the above address.

## **PUBLIC HEARINGS**

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described later in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).

## **TIMING OF ITEMS ON AGENDA**

While the Town Council attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order. No set times are assigned

CC-1

**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, July 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**

None.

**CONSENT CALENDAR**

1. **Town Council Minutes** – Adopt minutes of June 1 and June 15, 2016 meetings (Town Clerk Crane Iacopi)
2. **Town Investment Summary** – Accept report for period ending June 30, 2016 (Director of Administrative Services Bigall)
3. **League Voting Delegate** – Approve appointment of delegate to League of California Cities Annual Meeting in October (Town Clerk Crane Iacopi)
4. **Grand Jury Reports** – Authorize Town response to Grand Jury Reports on a) Police Firearm Security; and b) Web Transparency (Town Manager Chanis)
5. **Hazardous Material Spills** – Recommendation to approve execution of Joint Powers Agreement for Hazardous Materials Spill Management (Town Manager Chanis)

Councilmember Fredericks made corrections to pages 3 and 10 of the June 1, 2016 meeting minutes. On Page 3, she said clarified that the Town's newly formed Parking Authority was not formed to consider a parking project. On Page 10, Fredericks said that in the negotiations with

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Golden Gate Bridge, Highway & Transportation District for the Tiburon ferry service, Blue & Gold Fleet said it preferred a trial period for the proposed late-night ferry service.

Mayor Tollini noted she was not present at that meeting.

MOTION: To adopt consent calendar Item Nos. 1 through 5, with amendments to Item No. 1.  
Moved: O'Donnell, seconded by Fraser  
Vote: AYES: Unanimous  
ABSTAIN: Tollini (June 1, 2016 minutes)

### **ACTION ITEMS**

**1. Town of Tiburon 2016 Consolidated Reassessment District** – Consider actions related to the formation of the district (Town Manager Chanis):

- a) Resolution of Intent to Levy Reassessments and to Issue Refunding Bonds Upon the Security Thereof;
- b) Resolution Adopting a Reassessment Report for the 2016 Consolidated Reassessment District, Confirming and Ordering the Reassessments Pursuant to Summary Proceedings and Directing Actions with Respect Thereto;
- c) Resolution Authorizing Issuance of Refunding Bonds for the 2016 Consolidated Reassessment District, Providing for Execution of a Fiscal Agent Agreement and Other Matters With Respect Thereto, and Making Findings With Respect to and Approving the Issuance of Bonds by the Tiburon Public Financing Authority.

Town Manager Chanis said that in connection with funding of utility undergrounding in various neighborhoods in the Town over the past years, the Town established several assessment districts and issued several series of assessment bonds. Chanis said staff has been exploring the possibility of refinancing these bonds with lower interest rates in order to reduce payments for property owners currently being assessed to pay the bonds. He said preliminary analysis indicates that debt service savings are available, if market interest rates do not change significantly in the near term.

Chanis said the Town Council will consider adoption of resolutions tonight which form a consolidated reassessment district to refinance up to six series of the Town's utility undergrounding assessment bonds and the Town's Main Street assessment bonds (the "Prior Bonds"), authorize the levy of reassessments, and authorize the issuance of reassessment bonds and their sale to the Tiburon Public Financing Authority.

He said the Board of Directors of the Tiburon Public Financing Authority will consider adoption of a resolution authorizing the issuance and sale of its revenue bonds to investors, with the proceeds of the sale to be used to purchase the Town's reassessment bonds.

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Councilmember O'Donnell asked if the current term for payment of the bonds would remain unchanged; that is, there would be no extension of payments for the property owners. This was confirmed by counsel.

Mayor Tollini asked about language in the resolution which states that the benefit "is more than local or ordinary public benefit". Bond Counsel Paul Thimmig said this was a "term of art" from the statute governing assessment districts.

Mayor Tollini asked if the terms for the refinancing would be better than the current terms. Mr. Thimmig said they would, and that the refinancing would save not only the property owners money but the Town, as well. For instance, he said going forward Town staff would have to manage one assessment district, rather than six.

Mayor Tollini opened the matter to public comment. There was none.

MOTION: To adopt the above resolutions, as written.  
Moved: Fredericks, seconded by Doyle  
Vote: AYES: Unanimous

**ADJOURNMENT** - 7:35 p.m.

*ADJOURN TO CONDUCT THE MEETING OF THE TIBURON PUBLIC FINANCING  
AUTHORITY IN TOWN COUNCIL CHAMBERS*

**AGENDA  
TIBURON PUBLIC FINANCING AUTHORITY  
JULY 20, 2016, 7:35 PM**

**ORAL COMMUNICATIONS**

None.

**ACTION ITEMS**

1. **Town of Tiburon 2016 Consolidated Reassessment District** – Adopt resolution Authorizing the Issuance and Sale of Revenue Bonds for the Purpose of Financing the Acquisition and Reassessment Bonds for the Town of Tiburon 2016 Consolidated Reassessment District, and Approving Related Agreements and Actions (Town Attorney Stock)

Chair Tollini waived reading of the staff report and asked for public comment on the matter. There was no public comment.

MOTION: To adopt the resolution, as written.  
Moved: Doyle, seconded by Fredericks  
Vote: AYES: Unanimous

## ADJOURNMENT

### RECONVENE REGULAR MEETING – Tiburon Town Council (7:40)

#### ACTION ITEMS (continued)

2. **Tiburon Bicycle and Pedestrian Master Plan Update** – Review and Consider Adoption of Updated Plan; Consider Initial Study and Adoption of a Draft Negative Declaration for the Plan Update (Department of Public Works/Community Development Department)

Director of Community Development Anderson said the Town of Tiburon, in coordination with other Marin municipalities and the County of Marin, is in the process of updating its Bicycle Pedestrian Master Plan (BPMP), most recently revised in 2008. He said the Transportation Authority of Marin (TAM) oversees the contract and funding for the BPMP updates for the various jurisdictions, which helps to ensure the plans are somewhat integrated. He said that TAM had retained the consulting firm of Alta Planning + Design to prepare the draft updates.

Anderson said that a major benefit of an updated BPMP is that it enables the Town to qualify for certain grants and monies for which it would not otherwise be eligible. He noted that scarcity of funds is the primary limiting factor in making significant improvements to bicycle and pedestrian infrastructure.

Director Anderson said the update of Tiburon's Bicycle and Pedestrian Master Plan (BPMP) began in 2015. It was the topic of two workshops (on May 19, 2015 and January 18, 2016) and two public hearings (on March 29, 2015 and May 25, 2016) held before the Parks, Open Space & Trails Commission (POST) and the Planning Commission.

He said there was considerable testimony and correspondence received from residents at these hearings concerning the plan. But the overwhelming majority of comments came from the residents of Greenwood Beach Road, as this area is most affected by the upswing in bicycle traffic that is noticeable and disruptive to the neighbors.

Anderson noted that both POST and the Planning Commission recommended adoption of the BPMP, and that the Planning Commission recommended various amendments to the plan. He said that staff concurs with the Planning Commission's recommended revisions, and he recommended that the Town Council adopt the updated BPMP incorporating the revisions as set forth in the draft resolution attached to the staff report.

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If adopted by the Town Council, Anderson said Town staff will incorporate the approved revisions into the BPMP and release a final version as adopted on July 20, 2016. He said Staff will also file a CEQA Notice of Determination for the project.

Director Anderson then introduced Kyle James, a consultant from Alta Planning + Design.

In his power point presentation, Mr. James explained the terminology for different types of bike lanes: Class I (a simple shared-use path); Class II (contains a bicycle lane, and another slide showed the use of a buffered bicycle lane); Class III (has a bicycle route and another slide showed the option of a Class III route with shared lane markings); Class IV (showed a protected bikeway) and another slide showed a protected intersection. He said that Tiburon had a strong bicycle and pedestrian network already in place and he said the emphasis might be to focus on gap closure and strengthening existing infrastructure.

Vice Mayor Fraser said he was an original member of the Town Council's Bicycle-Pedestrian Advisory Committee and had worked on the first master plan in 2001. He said that education and safety are paramount when mixing walking, bicycling, and auto travel. He said that some people do not know the rules of the road when it comes to these modes of travel. He said it was important for the Town to have a sustainable plan when it came to education, in order to ensure success of any new bicycle/pedestrian master plan.

Mr. James agreed, stating that safety is very important and is one of the bases used for prioritizing projects. He said there is an opportunity for education, and some organizations emphasize it. For instance, he said that the Marin Bicycle Coalition provides training for people in lieu of them have to pay fines for violations.

Vice Mayor Fraser said that Tiburon is a destination; he said education must be a priority and incorporated into our plan.

Councilmember O'Donnell said he, too, was involved in review of the BPMP in 2008, when he served on the Town's Planning Commission. He said that the Commission and the Council have affirmed the critical importance of Class IV bikeways.

O'Donnell stressed the importance of safety in the area vicinity of East Strawberry Drive where it connects with the State Highway (Tiburon Boulevard) and thence to Greenwood Beach Road. He said there are shortcuts but no real connection, and this is one of the most critical areas for public safety, as children using the Strawberry Recreation District facilities have no safe way to get there. He said parents would like to not have to drive there all the time; he wondered why a Class IV lane could not be added in that area.

Director of Public Works Barnes said that the Town has put in for a Class IV bikeway in the Regional Transportation Plan. He said the Town had commissioned a gap study including this project and the study was accepted by the Town and the County of Marin. He said the estimated

project cost for the Class IV bikeway connector along Tiburon Boulevard between E. Strawberry Drive and Greenwood Cove Drive was \$2.55 million.

Mayor Tollini opened the matter to public comment.

1) Kathy McLeod said the plan is modern and will solve a lot of problems; likes the idea of a “complete streets” plan and prioritizing as we go; favored “sharrows” (Class III) and said it is a good communication tool; said more “sharrows” could mean less confusion; said the Class IV proposal will probably need a new study but is happy that it’s included in the Master Plan update.

2) Wendy Kallins, Safe Routes to School representative, expressed appreciation that Safe Routes was invited to be part of the planning process; said (school route) signage was included in the Plan by POST and the Planning Commission on Greenwood Beach Road, which would add a level of perception and safety; said a Task Force is in the process of mapping all school routes and hopes to incorporate those into the Master Plan in the future; thanked all participants for their good work.

3) Frances Barbour, Belveron East resident who is active in the neighborhood association and Safe Routes to School, said she is also a bike commuter; agreed with need for education and said 3-5 grade students are a receptive audience; said paint is a cheap and an inexpensive way to educate; also would like to see a sensor for bikes at Trestle Glen Boulevard that would trigger the light change but not hold up the light at that intersection for as long.

4) Bruce Abbott, Greenwood Beach Road, was also appreciative of process but said that the inclusion of their street on the Bay Trail maps was becoming increasingly intolerable; said the new plan offered a solution to this problem and would better connect a bicycle route between Tiburon and other communities such as Mill Valley; encouraged the Council to pursue this solution [Class IV bike lane on Tiburon Boulevard].

5) Tudor Jones, Greenwood Beach Road said bikers sometimes rode 4-5 abreast on Greenwood Beach Road; he suggested increased enforcement of rules of the road; said he agreed that the Class IV lane would be preferable and thanked the Council for its consideration.

6) Brenda Foster, Greenwood Beach Road, said it was only a matter of time before an accident occurred on their street; said she had seen a distracted rider from Blazing Saddles crash into a parked car and said these type of riders were unfamiliar with the area and the terrain; said she looked forward to a positive change.

7) Sylvia Wilkerson, Greenwood Beach Road resident since the 1980s, also appreciated the efforts; said she and her neighbors were not just cranky citizens but were concerned about everyone’s safety; thanked the Council for considering the revised plan.

8) Martina Seremetis from Belvedere, participant in Bike Train and Safe Routes to Schools, extolled the virtues of walking and biking to school and said perhaps the buses wouldn't be needed someday.

9) Hans Bernwall, Greenwood Beach Road, said he had been yelled at by bicyclists as he backed out of his carport; said the street was not made for the volume of bicyclists currently flooding the area; asked that the bicycles be moved to Tiburon Boulevard with a barrier (Class IV bike lane); said this discussion had been going on since 2008 and nothing had been done.

10) Patrick Seidler, Transportation Alternatives for Marin, said this was a great exercise in democracy and funding could be found and obtained (for the Class IV bike lane study); said Tiburon is a connector to the North/South Greenway in the Countywide Plan; said "separated cycling facilities" worldwide proved to be the best way to go (Class IV being an example); suggested that paint and plastic poles could go a long way to accomplishing the goals; also that public and private partnerships were available for funding.

11) Chris Petrino, Greenwood Beach Road, said page 3 of report was misleading as to the number of bicyclists exceeding the speed limit on Greenwood Beach Road and that the record should be corrected; also that there were accidents there every weekend that were not reported; said it was not the kids riding to school; rather, the "road bikes" that were the problem; he suggested installation of a speed bump as well.

There being no one else wishing to speak, Mayor Tollini closed the matter to public comment.

Councilmember Fredericks asked whether a feasibility study [for Class IV bike lanes and other recommendations] would address funding availability. Director Barnes said that it could. Fredericks said it would be helpful, and a good idea, to have this information. She said on a local level, it's difficult to get funding for Safe Routes to School projects.

Director Barnes commented that the Planning Commission's recommendations would have to compete for grant funding with other regional transportation plans.

Councilmember O'Donnell said the question of who was going to pay for the study was also important.

Councilmember Fredericks asked if the Class IV bike lane would be located in the County of Marin, and whether the County would help pay for the study. Director Barnes said it would be in the CalTrans right-of-way from Highway 101 to Trestle Glen for its entire length, and that most of the state highway in that span is located in County jurisdiction.

O'Donnell said he was worried about the taxpayers funding yet another study that might just collect dust. He said a lot more was needed to bring it to bear. He recounted the process he went through to have the median renovation project approved by CalTrans and said it was a very challenging year. He noted that a Class IV bike lane needs more than a \$25- \$50,000 study, but

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that if the County and CalTrans want it, it can be done. He recommended that the project language be added to the Town's BPMP per the Planning Commission's recommendation.

Director Anderson agreed that it would be important to put this project study into the Town's plan in order to qualify for future grant money and funding.

Councilmember O'Donnell expressed concern about changing the Bay Trail signage because it would divert travelers away from the Richardson Bay Audubon Center, which he said is an iconic destination. He thought the Bay Trail maps should continue to designate the Richardson Bay Audubon Center as being on the Bay Trail, even if as a spur or alternate route.

Councilmember Fredericks said this could be addressed in the Class IV study as well. Director Anderson said that according to the Bay Trail project manager, the Bay Trail maps would be changed only if a Class I or Class IV bike lane was constructed on Tiburon Boulevard, not a Class II bike lane.

Councilmember O'Donnell also asked about greater enforcement of speeding bicyclists, especially on weekend mornings. Chief of Police Cronin said the Town might use radar, and noted that the area where bicycles and people meet at the end of Greenwood Beach Road is patrolled. But he also noted that a bicycle going 25 mph is not in violation of the law. Chief Cronin added that the department once again had a motorcycle patrol officer.

Councilmember O'Donnell said that the Bicycle Pedestrian Master Plan update had been a long process, commencing in 2001, and revised in 2008. He said the Town should "soldier on" with what [infrastructure] it had in place and accept the fact that Greenwood Beach Road is the optimal way to get to Blackie's Pasture for now. He asked for the understanding and forbearance of the residents there, unless they could come up with the millions of dollars needed for a Class IV bike lane.

Councilmember Fredericks said that as a member of the Council, she had been involved in transportation issues for 15 years, and that Councilmember O'Donnell was right, up to a point. She said the Town should do what's feasible now, queue up for transportation and grant funding, then "grab it and do it". She said it is important to maintain one's position in the queue for funding.

Fredericks said it was appropriate for the Council to support the Planning Commission's recommendations; first, the Class II bike lane in the County and Town plan, and then a Class IV feasibility study and funding sources.

Councilmember Doyle agreed, stating the dangers of travelling the road (Highway 131) were real for bicyclists and it would be nice to have a barrier there. On Greenwood Beach Road, Doyle suggested putting up 25mph speed signs up as an interim measure, and to park a patrol car on the road. He said improvements were being made and the Town should support the Planning Commission recommendations.

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Vice Mayor Fraser said he, too, supported the recommendations of the Planning Commission. He said he shared the concerns and frustrations of the process, but he said the Town had a lot to gain by it. He endorsed a feasibility study, perhaps funded by grant monies, and to get the County and other parties involved, as well. Fraser said that we needed to look forward toward change. He said we should look at Class IV bike lanes, especially for the safety of children and pedestrians on Tiburon Boulevard. He agreed with the recommendation to “patrol” Greenwood Beach Road with a parked patrol car and possibly the use of PSAs in that area. He said we should look closely at increased enforcement of speeding bicyclists.

Mayor Tollini said the ability to walk and bicycle in Town is important to the quality of life here, and that the Old Rail Trail is our “jewel in our crown”.

The Mayor commended the Planning Commission and POST for doing a good job in their review of the plan; she also commended the community for its involvement and input into the process. She said the Town should do what it can now and keep our eye on the radar for funding. She also said we should do what we can to alleviate traffic on Greenwood Beach Road.

Councilmember O’Donnell asked whether the resolution should be amended to state that the Town would only pay its portion for a feasibility study.

Councilmember Fredericks said that the [outcome of the] study would benefit Tiburon residents even though the installation would be in the County (or CalTrans).

O’Donnell also asked that no changes be made to the Bay Trail that would exclude the Audubon Center, and he said enhanced enforcement (on Greenwood Beach Road) should be included in the plan.

Vice Mayor Fraser stressed that education should be a component of the adopted plan. He said he had advocated it for some time, ever since he was a member of the Town’s Bicycle/Pedestrian Committee.

The Town Manager summed up the Council discussion:

- interest in funding the feasibility study for a Class IV bike lane, with grant funding
- the scope of the study has not been fully defined
- a scope of project costs and funding to return to Council.

Broadly, Town Manager Chanis said the Council had indicated its interest in studying the Class IV bike lane recommendation.

Councilmember O’Donnell said while this was not stated in the draft resolution, he wanted to be clear that \$250,000 would not come out of the Town’s pocket. Councilmember Fredericks concurred it would not be a good idea to “load up” the resolution thusly. Town Manager Chanis said any request for funding would have to come back to the Council for approval.

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O'Donnell asked about the Bay Trail designation. Chanis said any potential realignment would be part of the study, as well. Director Barnes suggested the Council could add language to ensure that the Audubon Center not be excluded from the Bay Trail signage and the like.

Vice Mayor Fraser continued to ask for a sustainable safety program to be part of the plan, possibly tightening up the language in in Section 4.3.5. Director Anderson said that text to that effect would be added to the education section of the Plan.

MOTION: To adopt the resolution approving the BPMP plan, as amended above, and adopting the negative declaration.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Unanimous

**3. Capital Project Planning** – Recommendation to form ad hoc Council subcommittee to set priorities for capital project planning (Town Manager Chanis)

Town Manager Chanis said staff had presented a proposed framework for capital project planning at the Town Council/Staff Retreat on April 1, 2016. If implemented, he said the framework would provide for a systematic approach to the planning, budgeting and financing of capital projects. The proposal envisioned the following steps:

- Development of a Project Portfolio
- Ranking of projects within the portfolio based on a set of established criteria
- Approval of prioritized Project Portfolio and integration into annual budget process
- Review and adjustments to Project Portfolio on annual basis and/or as new projects are identified

Chanis said Council indicated its interest in pursuing development of this planning process for its obvious benefit as a tool for budgeting, as well as to make the process more open and accountable. He also said the Council indicated support for the formation of a Council ad hoc committee to assist staff in developing this planning tool. Members of the ad hoc Committee would work with staff to develop the criteria used to prioritize potential projects, and approve an initial Project Portfolio for consideration by Council, according to the Town Manager. He said Mayor Tollini and Councilmember Fredericks had volunteered to serve on the subcommittee.

Chanis said staff anticipates the ad hoc committee would have its initial meeting in August, and would be required to meet 3-5 times prior to the development of the proposed 2017-2018 Town budget.

During the discussion of this item, some members of the Council wondered if the Project Portfolio should be reviewed by the entire Council in a public workshop, or perhaps a quarterly prioritization meeting, rather than by an ad hoc committee.

The Town Manager noted there were many variations on how to develop and utilize this process. He said the example presented at the retreat was similar to what was used by the County of Marin. He said the type of process was ultimately up to the Council to select.

MOTION: To appoint Mayor Tollini and Councilmember Fredericks to serve on an ad hoc Committee to establish the criteria for developing a Capital Project Planning program.

Moved: O'Donnell, seconded by Fraser

Vote: AYES: Unanimous

### **TOWN COUNCIL REPORTS**

Vice Mayor Fraser provided a brief update and distributed some information provided at the July 19 Disaster Advisory Council meeting regarding “evacuation routes” – markings to be placed in streets. He showed an example of the symbols used in Belvedere and said one of the advisory council members advocated for this in Tiburon, as well.

Councilmember Fredericks provided information about Measure A funding for Safe Pathways to School. She said there was only \$3.48 million in last year’s budget for these types of projects; therefore, there was a backlog of projects. She estimated that funds might not be available until FY 2019-20.

### **TOWN MANAGER REPORT**

None.

### **WEEKLY DIGESTS**

- Town Council Weekly Digests – June 17 & 24, 2016
- Town Council Weekly Digests – July 1, 8 & 15, 2016

### **ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 9:33 p.m.

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ERIN TOLLINI, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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**TOWN COUNCIL  
SPECIAL AND REGULAR MEETING  
MINUTES**

**SPECIAL MEETING AGENDA - 6:45 p.m.**

**CALL TO ORDER AND ROLL CALL**

Mayor Tollini called the special meeting of the Tiburon Town Council to order at 6:45 p.m. on Wednesday, August 3, 2016, in the Town Council Chambers Conference Room, located at 1505 Tiburon Boulevard, Tiburon, California.

Councilmember Fredericks, Councilmember O'Donnell, Vice Mayor Fraser, and Mayor Tollini were present; Councilmember Doyle was absent.

**ORAL COMMUNICATIONS**

None.

**CLOSED SESSION**

Public Employee Performance Review: Government Code Section 54957  
Title: Town Manager

**ADJOURNMENT** – to regular meeting

**REGULAR MEETING AGENDA - 7:30 p.m.**

**CALL TO ORDER**

Mayor Tollini called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, August 3, 2016, in the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**ROLL CALL**

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

ABSENT: COUNCILMEMBERS: Doyle

PRESENT: EX OFFICIO: Acting Town Attorney Zutler, Director of  
Community Development Anderson, Director of  
Public Works/Town Engineer Barnes, Director of  
Administrative Services Bigall, Town Clerk Crane  
Iacopi

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Town Council Minutes #xx-2016

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

Mayor Tollini said no action was taken in closed session.

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

1. **Blackfield Drive Crossing** – Approve award of contract for Blackfield Drive intersection improvements project (Director of Public Works/Town Engineer Barnes)
2. **The Ranch JPA**– Approve amendments to Joint Powers Agreement between the City of Belvedere and the Town of Tiburon (Town Manager Chanis)
3. **Grand Jury Reports** – Authorize Town response to Grand Jury Reports on a) The 911 First Responder Referral Program; b) Marin’s Hidden Human Sex Trafficking Challenge (Town Manager Chanis)

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

Moved: Fraser, seconded by Fredericks

Vote: AYES: Unanimous  
ABSENT: Doyle

**ACTION ITEMS**

1. **Shoreline Park Event** – Consider Special Event Permit application by Tiburon Fire District to stage an event at Shoreline Park on Saturday, October 1, 2016, in conjunction with Fire District Diamond Jubilee (Town Manager Chanis)

Town Clerk Crane Iacopi introduced the item and said Fire Chief Rich Pearce was present to answer any questions about the permit.

Chief Pearce said the proposed event was the kick-off the Fire District’s Diamond Jubilee celebration weekend. He said the festivities included a themed Friday Nights on Main the previous night, and a formal ball on Saturday Night at the Corinthian Yacht Club. He said the Shoreline Park event would include a parade of antique firetrucks, entertainment, and also a fireboat parade and demonstration. The Chief said there might also be some fireworks, depending on funding. Pearce said the District would be responsible for set-up and clean-up of the event.

Mayor Tollini opened the matter to public comment.

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Mark Wolfendale, representing the Point Tiburon Bayside HOA Board, said their members enthusiastically supported the event and said it was fully consistent with the Town's Shoreline Park event policy because it was open to the public, as well as family-oriented. He said they looked forward to the event.

There was no more public comment.

MOTION: To approve the permit, as presented.  
Moved: O'Donnell, seconded by Fraser  
Vote: AYES: Unanimous  
ABSENT: Doyle

Mayor Tollini commented that she had been talking with someone about how nice it would be to have an event where kids could meet members of the Police and Fire Departments and understand how we are all part of a community. She said this event would help achieve that goal.

2. **McKegney Green** – Receive report from staff on McKegney Green renovation project; review design proposals; direct staff on next action (Town Manager Chanis/ Director of Public Works/Town Engineer Barnes)

Director of Public Works Barnes gave the report and powerpoint presentation. He said the Town had been meeting with representatives from the Tiburon Peninsula Soccer Club (TPSC) since Spring 2015 to discuss the current condition of the field and possible upgrades. At the May 4, 2016 Council meeting, he said the Council discussed upgrades of the Green, turf options, water and irrigation, and costs. He said the Council chose to a 110,000 square foot field with two turf options for staff to explore further – the existing type of grass and a saltwater tolerant species, called *Paspalum*. Barnes explained that there would be differences in cost to provide irrigation for the different grasses, and he said both design options, included in the staff report, would be expensive. He said staff also recommended identification of funding sources (for the estimated \$1.6 million project cost) before a final design decision was made and direction given to staff to proceed.

Councilmember Fredericks asked if this was an appropriate time to discuss funding feasibility with the TPSC. Barnes said it might be; he also commented that he was not sure that the funding for the overall project had yet been identified.

Mayor Tollini said it would be useful to discuss the different options in the report and decide what the Council was comfortable with spending. She said that TPSC had said they could raise \$150,000.

Councilmember O'Donnell said he had done some more research on *Paspalum* and had met with the groundskeepers of the Monarch Bay and Metropolitan Golf Clubs. He said that the Town Manager was also going to meet with one of the representatives.

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Director Barnes noted that the Town's consultant had recommended against using an experimental grass; however, he said he had spoken with the representative mentioned by Councilmember O'Donnell who had expressed confidence in *Paspalum* but also recommended a cautious approach. He said he recommended trying a test patch first, to see if it did well in our locale.

Barnes said that *Paspalum* is a "water hog"; also noting that the Town's water permit precludes watering during the winter months, so there was a limit to the amount of water available. Councilmember O'Donnell asked if that was what the Town did now; that is, turn off the irrigation of the field around Halloween. He commented that the only apparent risk was a dry winter.

O'Donnell also said it seemed very much like "normal" Bermuda grass. Director Barnes said the groundskeeper said he cut it often and he needed to "keep on it".

Barnes also noted that said the average winter temperature in the field location is 41 degrees but that a frost could be damaging to the *Paspalum*.

Councilmember Fredericks asked what it would take to cause damage to *Paspalum* - one night of frost, or 10 hours, or exactly what.

O'Donnell noted that the Brentwood climate, where the consultant had previously decided against *Paspalum*, had very hot summers and very cold winters compared to Tiburon.

Director Barnes said the grass normally turns brown in the winter because it wants to go dormant. He showed an aerial photo of a playing field in Los Angeles that had both patches of brown and green grass. He said this field used *Paspalum*.

Councilmember Fredericks asked if *Paspalum* could be irrigated with recycled water. Barnes said that the grass was salt tolerant, and that the Town's irrigation water was "brackish". He said that Mill Valley actually blended its recycled water with 80% potable water to irrigate its [non-*Paspalum*] playing fields.

Mayor Tollini opened the matter to public comment. There was none.

The discussion returned to Council.

Councilmember O'Donnell said he would like to see the field fixed up but he said he did not think it was fair to use 1-2 million dollars of the Town's reserves to do it. He said he was big on *Paspalum* grass as an alternative, in order to use recycled water, and not have to drastically change the field to do so. So he said the question was what sort of commitment should the Council make to this project.

O'Donnell said it might be helpful to step back and look at it from a budget perspective, and scale the project accordingly. He said the question might be, what could the Town get for a \$500-700,000. Also, what could the TPSC contribute to the project. He noted they had previously indicated they could raise \$150,000.

Councilmember O'Donnell suggested the formation of a subcommittee to study these issues, including a "scaled down" version of the project – perhaps even scaling down the 110,000 size – with more research into the grass, and to come up with a formal plan for something along the lines of \$500-600,000. He said other issues the committee could address were the long-term sustainability of irrigating the field, and permits with Sanitary 5 and BCDC.

O'Donnell said that rather than choose a design first, it would be better to come up with a better framework for the project, with a focus and better handle on financial controls, and do a better job. He said he would be willing to serve on a subcommittee and asked if one of his colleagues would like to join him.

Councilmember Fredericks agreed that "stepping back" and scaling back was a good approach, along with exploring options to raise revenues for the project. She said there were no OBAG II funds availability, as someone had suggested, as this was not a priority conservation area.

Vice Mayor Fraser said that a top down approach made more sense, giving that funding had not been identified, even though the Town had healthy reserves. But he also said it was too early to identify a specific dollar amount for the project, and that quantifying it at this point would be arbitrary. He said more information was needed about the grasses, and other items identified by Councilmember O'Donnell.

The Vice Mayor said he did worry about the current condition of the field but he said there was simply not adequate information to make a good decision for the long-term at this juncture.

Mayor Tollini said that while the Council "paused" it might be a good time to put in a patch of *Paspalum* to see how it worked in that location.

Director Barnes agreed, and suggested a patch of Bermuda grass, as well. He said they should be at least 10 x 10 patches.

The Mayor went on to say that when the Council does come up with a budget for the project, this project should be placed in the queue of all the other capital projects. The Council concurred.

Councilmember O'Donnell talked about managing the expectations of the users of the field, namely the TPSC, but agreed that it needed to be fixed up and cleaned up in the short term.

Councilmember Fredericks said the drainage needed to be fixed; O'Donnell said the field might need to be flattened out to accomplish this.

Vice Mayor Fraser reiterated that the committee should look at funding sources; O'Donnell agreed and encouraged looking into public/private partnerships.

MOTION: To "take a pause" in the process and appoint a Town Council subcommittee comprised of Councilmembers O'Donnell and Doyle to study specific aspects of the design proposals in more detail, including types of grass, water sources, associated costs and funding sources, and to report its findings to the Town Council.

Moved: O'Donnell, seconded by Fredericks

Vote: AYES: Unanimous

ABSENT: Doyle

### **TOWN COUNCIL REPORTS**

None.

### **TOWN MANAGER REPORT**

None.

### **WEEKLY DIGESTS**

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

### **ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 8:05 p.m.

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ERIN TOLLINI, MAYOR

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK

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TOWN COUNCIL  
SPECIAL AND REGULAR MEETING  
MINUTES

SPECIAL MEETING AGENDA – 7:00 p.m.

**CALL TO ORDER AND ROLL CALL**

Vice Mayor Fraser called the special meeting of the Tiburon Town Council to order at 7:00 p.m. on Wednesday, August 17, 2016, in the Town Council Chambers Conference Room, located at 1505 Tiburon Boulevard, Tiburon, California.

Councilmember Doyle, Councilmember Fredericks, Councilmember O'Donnell, and Vice Mayor Fraser were present; Mayor Tollini was absent.

**ORAL COMMUNICATIONS**

None.

**CLOSED SESSION**

Public Employee Performance Review: Government Code Section 54957  
Title: Town Manager

**ADJOURNMENT** – to regular meeting

REGULAR MEETING AGENDA - 7:30 p.m.

**CALL TO ORDER**

Vice Mayor Fraser called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, August 3, 2016, in the Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**ROLL CALL**

PRESENT:	COUNCILMEMBERS:	Doyle, Fraser, Fredericks, O'Donnell
ABSENT:	COUNCILMEMBERS:	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, Town Clerk Crane Iacopi

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

Vice Mayor Fraser said no action was taken in closed session.

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

1. **Grand Jury Report** – Authorize Town response to Grand Jury Report on Citizen Complaints (Town Manager Chanis)
2. **OPEB Investment Strategy** – Authorize proposed investment strategy for Other Post Employee Benefits (OPEB) (Town Manager Chanis/ Director of Administrative Services Bigall)
3. **Route 8 Bus Service** – Authorize letter in support of continuation of Route 8 bus service to Tiburon Peninsula (Town Manager Chanis)

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

Moved: Fraser, seconded by Fredericks

Vote: AYES: Unanimous  
ABSENT: Tollini

**Order of Items on Agenda**

Vice Mayor Fraser said the some of the agenda items would be taken out of order; also, he said Councilmember O'Donnell would have to recuse himself from hearing Action Item No. 2, therefore, it would be heard last.

**ACTION ITEMS**

1. **Trestle Trail Project** – Update on Trestle Trail Project; consider request by proponents to install temporary signage and track at Blackie's Pasture for fundraising purposes (Town Manager Chanis)

Town Manager Chanis said that on April 20, 2016, the Town Council considered a proposal from the Tiburon Peninsula Foundation to construct a 600-foot accessible pedestrian walking trail on top of the berm which leads to the former site of the railroad trestle that was once located in the vicinity of Blackie's Pasture near the intersection of Tiburon Boulevard and Trestle Glen Road.

Chanis said the Council approved the project in concept and authorized up to \$40,000 as the Town's contribution, to come out of the 2016-17 budget. He said tonight's hearing would DRAFT

provide the Council with a design update and request the temporary placement of an exhibit in Blackie's Pasture, to assist the group [Tiburon Peninsula Foundation] in its fundraising purposes.

Architect David Holscher, representing the Foundation, said the fundraising efforts had resulted in contributions totaling \$129,000, to date. He presented some drawings with various design changes – he proposed 40 feet of track now versus 20 feet, and pulling the trail back 20 feet from the edge of the berm. He said this would allow the natural edge of the berm to remain and would no longer require a rail, wall or other barrier at the end of the trail. He also said they proposed replacing concrete with decomposed granite on the path leading up to the site. The next step said would be more fundraising, according to Holscher (for which the temporary installation was needed), and a proposed construction start date of Spring 2017 (instead of Fall 2016).

Councilmember Fredericks reiterated her request at the April 20 meeting that the Council be provided with a final design before construction starts. Mr. Holscher said the current plans were pretty close to final and he could provide sets to the Council.

Fredericks asked about the location of the temporary installation. Town Manager Chanis explained that it would be in the corner Blackie's Pasture closest to the entry to the Old Rail Trail, and would include rail, ties, fencing, and a temporary sign explaining the project.

Tiburon Peninsula Foundation member Phil Cassou said a few words about the installation, stating it would be comprised of one set of rail 20-feet long and 8-feet wide, for a total of 160 square feet. He said next to it would be an example of "legacy ties" and plaques that are being sold to donors. He said the install would take about eight strong volunteers, and they would like it to be in place by September 17.

Councilmember Fredericks asked if Landmarks had the equipment to do the installation. Town Manager Chanis said the Town could provide a skip loader that could easily lift the ties and rails.

Vice Mayor Fraser opened the matter to public comment. There was none.

MOTION: To approve the revised plans and request for temporary installation, as presented.  
Moved: O'Donnell, seconded by Fredericks  
Vote: AYES: Unanimous  
ABSENT: Tollini

**AI-3: Well Permits [taken out of order] – Review of Tiburon's Water Well regulations (Chapter 13F of Town Code) for possible amendment (Community Development Department)**

Director Anderson said that in June 2015, the Town Council reviewed and approved an application for an irrigation-only water well on property located at 4545 Paradise Drive. He said the application was opposed by neighboring property owners who were concerned that the requested irrigation well could result in off-site impacts such as subsidence, diversion of ground water flows, draining of an aquifer, impacts on wildlife, and so forth. He said the Council

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approved the permit but requested that the Town revisit the water well regulations at a future meeting.

Anderson said the Town first adopted water well regulations in 1991, codified as Chapter 13F of the Tiburon Municipal Code (Water Well Regulation and Use). He said 20 water well permits have been approved since that time.

Director Anderson said Chapter 13F was repealed and replaced in 1993 during a period of prolonged drought and a public water agency moratorium, when the possibility of owners relying on a well for domestic drinking water purposes seemed quite real. However, according to the Director, that fear proved unfounded, and he said staff is not aware of any homes in Tiburon that are not connected to the public water system and rely on a water well for potable water. No applications for potable water well have been filed since the ordinance rewrite in 1993; rather, Anderson said the applications have all been for irrigation wells.

The Director provided a review of the geological makeup of the Tiburon Peninsula, more fully detailed in the written report. He said the type of geology does not support traditional aquifers. As a result, he said staff believes many approved well permits have resulted in “dry holes” (as was the case when the Town drilled for an irrigation well at Blackie’s Pasture in 2004, and also turned out to be the case at 4545 Paradise Drive).

Anderson said the relevant finding for approval of a well permit is that: *The granting of the permit will not be detrimental to the health, safety or welfare, nor injurious to other properties in the vicinity.* He said this type of finding is associated with regulations imposed pursuant to the “police power” vested in California municipalities, and every municipal water well ordinance in Marin County contains a similar finding.

Director Anderson said staff had reviewed the regulations of other jurisdictions and found that Tiburon was the only one that required Town Council approval of well permits; he said the others all require staff-level approval. Anderson said the Town of Fairfax also requires a report by a hydrologist or geologist, but none of the other cities ordinances appeared to do so. He said staff concludes that the Town’s water well regulations require more processing and professional review of potential impacts than is typical of other municipalities in the County; he noted that Town Council approval for water wells is unique for this County.

Anderson said that subsequent to the 4545 Paradise Drive application, staff has revised the Town’s water well application form to require the hydrologist or geologist report to specifically address possible adverse effects on water resources such as springs, seeps and watercourses in addition to potential adverse impacts on adjoining properties. He said any such expert opinion may be heavily qualified, but the Town’s requirement represents a good faith effort on the part of the Town to disclose any such potential impacts prior to making a decision.

In addition, Anderson said staff has clarified an applicant’s duty to indemnify the Town and also requires the applicant to indemnify the Town with counsel approved by the Town.

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During the Council discussion, Councilmember O'Donnell said staff had outlined the issues and had set in motion additional procedures to address them. Director Anderson said the Town's ordinance has always done so, but said the updated application contains language that addresses the issues of potential adverse impacts on water resources as well as on surrounding properties.

Councilmember Fredericks asked if the Town's existing regulations address the trapping of water by an uphill neighbor which might affect the downhill neighbors. Director Anderson again described the absence of aquifers in Tiburon so he said it was unlikely this could occur. He said the Town's regulations focus more on the location of a well, and that some cities have setback requirements in their regulations (from creeks or other known bodies of water). He said the Town's regulations already give the Town the ability to require a well to be located elsewhere on a property [than the proposed location]. Councilmember O'Donnell commented that the tanks associated with wells usually are not large tanks [that hold large quantities of water].

Vice Mayor Fraser opened the matter to public comment. There was none. There being no further comment, Vice Mayor Fraser closed the hearing.

MOTION: To approve the staff's recommendations, as presented.  
Moved: Fredericks, seconded by O'Donnell  
Vote: AYES: Unanimous  
ABSENT: Tollini

**AI-4: Bicycle Education and Safety [taken out of order] – Direct Parks Open Space & Trails Commission to formulate a Bicycle Safety Training Program (Community Development Department/ Department of Public Works)**

Town Manager Chanis said that at its July 20 meeting, the Town Council adopted an updated Tiburon Bicycle and Pedestrian Plan. In adopting the Plan, he said the Council requested strengthening of the section on "education programs". He said Vice Mayor Fraser subsequently suggested delegating the task to the Parks, Open Space and Trails Commission (POST).

Town Manager Chanis said this was appropriate because in prior decades, the Town's Bicycle-Pedestrian Advisory Committee (now included in the mission of POST) has worked with the Police Department and the Marin County Bicycle Coalition to provide training events, including "Share the Road" training programs. He said the direction to POST would be to reengage with their partners in the training programs and to develop and an ongoing, sustainable training program for bicycle and pedestrian safety. If endorsed by Town Council, he said the item would be placed on the next POST agenda for action. POST would also be asked to report back to the Council periodically on its progress in developing the program, according to the Town Manager. He said staff recommends the Town Council direct POST accordingly and place the item on the next POST agenda for action.

Vice Mayor Fraser said his recommendation came from his involvement with the Safe Routes to School program, as well as his involvement locally with the Yellow Bus Program. He said the idea was to increase safety in our community for bicyclists and pedestrians, but also to better educate automobile drivers. He said everyone needs to know the rules of the road, and that POST was the place to start this educational process.

Vice Mayor Fraser opened the matter to public comment.

Kathy McLeod said she served on the Safe Routes to School Task Force but worried that POST might tend to focus more on trail bikes rather than road bikes. She wondered whether the Town might form a committee dedicated to the road bike riders because it was a different focus. She said the committee could focus on rules of the road, driver safety, engineering, and new standards that needed to be developed. She suggested that POST had so many things on its plate, such as the Martha Property (open space) and field maintenance (McKegney Green), that they might not be able to take on this challenge.

There being no other speakers, Vice Mayor Fraser closed the matter to public comment.

Councilmember Fredericks assured Ms. McLeod that POST was aware of the Safe Routes to School programs and would do a good job. Vice Mayor Fraser said there would be public outreach by POST and input solicited from all users. Councilmember O'Donnell concurred.

MOTION: To approve the recommendation to direct POST to undertake a safety education program as part of the Bicycle Pedestrian Master Plan.  
Moved: Fredericks, seconded by O'Donnell  
Vote: AYES: Unanimous  
ABSENT: Tollini

**TOWN COUNCIL REPORTS [taken out of order]**

None.

**TOWN MANAGER REPORT [taken out of order]**

Town Manager Chanis introduced a discussion of Town Holiday Party dates. He said the Council normally cancelled its second regular meeting in December in favor of the Town Holiday party. However, this year, Chanis said the second meeting fell on December 21; at least one Councilmember (Mayor Tollini) had informed him that it was unlikely she would be in town on that date. He asked for the Council's input on the date selection.

The Council directed staff to cancel the December 21 meeting as is its custom; it also selected December 14 as the date of this year's Holiday party.

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**AI-2: Appeal of Encroachment Permit [taken out of order]** – Consider appeal of denial of an Encroachment Permit for the installation of a security gate in Town right-of way at 1860 Mountain View Drive (Public Works Department)

AP No. 059-042-11  
Applicant: John Merten, Studio Green  
Owner: MV 1860 LLC

Councilmember O'Donnell recused himself because he lives within 300 feet of the address, and left the meeting.

Director Barnes said on June 27, 2016, John Merten of Studio Green Architects submitted an Encroachment Permit Application on behalf of Jan Brandt, the property owner of 1860 Mountain View Drive in Tiburon. He said the applicant was seeking permission to place a portion of a vehicular access gate and a concrete freestanding wall within the public right of way, through a driveway servicing the subject property.

Barnes said staff reviewed the proposal and determined it was inconsistent with the Town's policy for encroachments into public streets, as set forth in Town Council Resolution No. 45-2014. He said staff has no authority to waive the policy, as set forth in the Town's resolution, and therefore denied the application which led to the appeal. He said only the Council had the authority to make an exception to Town policy

Director Barnes said that the appeal Section C.5 of the resolution has to do with parking that would be required by the Municipal Code for a newly constructed use, and if there is no driveway or garage on the property, the applicant can apply for an exemption. In this case, the Director noted there is already a driveway and garage on the property, so the applicant was denied an exemption. He said the encroachment was about 100-120 square feet of Town property.

Vice Mayor Fraser opened hearing to the appellant.

John Merten said that Ms. Brandt was unable to attend the hearing. He said as a single lady, she had asked him to provide a more secure condition for the property. He said he understood the staff's position on the matter but asked for the Council's consideration based on the unique nature of the conditions on the property. He identified these conditions as being no separate pedestrian entry to the home, except through the driveway; and the topography of the property (including a heritage oak tree). He said Ms. Brandt travels a lot and wants security for the parked vehicles in her driveway and for the house. He said she does not like front door location and said it makes her feel vulnerable to the street. He said Ms. Brandt's safety and welfare should be considered in the context of "public safety and welfare". He said there had been three break-ins in the neighborhood since Halloween of last year. He said Ms. Brandt's dog was deaf, as well.

Mr. Merten said the installation of the gate would not inhibit turning around in the driveway, or prohibit deliveries or street repairs. He said it would be set back and similar to other gates in the neighborhood (for which he provided photographic examples).

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Vice Mayor Fraser opened the matter to public comment. There was none.

Vice Mayor Fraser closed the public hearing.

Councilmember Doyle said that rules, regulations and guidelines are there for a purpose but that sometimes common sense should prevail. He said the installation of the gate would not harm anyone and made sense given the topography of the property (the slope) which would not allow it to be placed elsewhere. He said it would provide the applicant with the same opportunity for a gate that her neighbors had.

Councilmember Fredericks said she understood the applicant's need but said that the Town's policies discourage the privatization of the public right-of-way. She said she would not give away the right-of-way unless there was a huge safety concern. In any event, Fredericks said the application was not consistent with the Town Code and policies.

Vice Mayor Fraser asked if there had been similar instances considered by the Town. Director Barnes said that there had been examples of applications for fences with pedestrian gates, but no gates on public right-of-way. And he noted that one applicant had subsequently removed the access gate from its fence application.

The Vice Mayor asked the Town Attorney about what findings could be made in this instance. He said if findings could not be made to support the application, could findings be made from a common sense of reasonableness. Attorney Stock said if the Council could not agree that Section C.5 provides enough flexibility, it could simply exempt this application from the privatization policy. The Town Attorney noted that the Council had directed staff to process an application in an earlier appeal. However, he expressed his concern that the more times the Council makes an exemption, it creates a precedential value for future applications.

Councilmember Fredericks said that making an exemption without a finding erodes the Council's authority to uphold the Town's laws. She said the Town's policies should be changed rather than approving an application without a finding.

Councilmember Doyle said he agreed and understood this argument. However, he said the area in question was not being used by the public, is only 120 square feet, and is a space no one else will ever use.

Fredericks said you cannot always tell when a space will become crucial to the public use. She cited examples of streets being built only so wide and now there is no space for bike lanes, sidewalks, and the like.

Vice Mayor Fraser asked if the permit was revocable; for instance, if in the future the Town wanted to site a pedestrian walkway in front of the property.

Councilmember Fredericks said that theoretically the permit is revocable but this is not so easily done. Town Attorney Stock concurred, citing a case where a homeowner said he had a vested right in the public right-of-way when the town or city wanted to revoke the encroachment.

Vice Mayor Fraser said he agreed with both points of view -- the need to protect the public right-of-way, as well as the need for making an exception for an application where it seems like no real harm will be done. He said he would fault on the side of granting the appeal, in this instance.

Before asking for a motion, the Vice Mayor stated that [statistics show] we live in one of the safest towns in all of the United States. He said we have had "incidents" but the Tiburon Police Department was a solid and strong police force. He said he has lived in Tiburon since 1982 and feels safe 100% of the time.

MOTION: To grant the appeal and direct staff to return at the next regular meeting with a resolution memorializing that decision.

Moved: Doyle, seconded by Fraser

Vote: AYES: Doyle, Fraser  
NOES: Fredericks  
ABSENT: Tollini  
RECUSED: O'Donnell

## WEEKLY DIGESTS

- Town Council Weekly Digests – August 5 & 12, 2016

## ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Vice Mayor Fraser adjourned the meeting at 8:35 p.m.

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VICE MAYOR JIM FRASER

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK

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**STAFF REPORT**

To: **Mayor and Members of the Town Council**  
 From: **Administrative Services Department**  
 Subject: **Investment Summary – July 2016**  
 Reviewed By: *Gil*

**BACKGROUND**

Pursuant to Government Code Section 53601, staff is required to provide the Town Council with a report regarding the Town’s investment activities for the period ended July 31, 2016.

**ANALYSIS**

**July 2016**

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	Local Agency Investment Fund (LAIF)	\$22,015,363.62	0.588%	Liquid
	Housing note to Former Town Manager	\$ 800,000.00	0.330%	Based on Contract
	Money Market (Bank of Marin)	\$ 100,000.00	0.15%	Liquid
<b>Total</b>		<b>\$22,915,363.62</b>		

The total invested at the end of the prior month was \$24,184,422.37; therefore the Town’s investments decreased by \$1,269,058.75 over June 2016.

**FINANCIAL IMPACT**

No financial impact occurs by accepting this report. The Town continues to meet the priority principles of investing – safety, liquidity and yield in this respective order.

**RECOMMENDATION**

Staff recommends that the Town Council:  
 Move to accept the Investment Summary for July 2016

Prepared By: Heidi Bigall, Director of Administrative Services



**STAFF REPORT**

To: Mayor and Members of the Town Council  
From: Administrative Services Department  
Subject: Investment Summary – August 2016  
Reviewed By: *[Signature]*

**BACKGROUND**

Pursuant to Government Code Section 53601, staff is required to provide the Town Council with a report regarding the Town’s investment activities for the period ended August 31, 2016.

**ANALYSIS**

**August 2016**

Agency	Investment	Amount	Interest Rate	Maturity
Town of Tiburon	Local Agency Investment Fund (LAIF)	\$20,815,363.62	0.610%	Liquid
	Housing note to Former Town Manager	\$ 800,000.00	0.330%	Based on Contract
	Money Market (Bank of Marin)	\$ 100,000.00	0.15%	Liquid
<b>Total</b>		<b>\$21,715,363.62</b>		

The total invested at the end of the prior month was \$22,915,363.62; therefore the Town’s investments decreased by \$1,200,000.00 over July 2016.

**FINANCIAL IMPACT**

No financial impact occurs by accepting this report. The Town continues to meet the priority principles of investing – safety, liquidity and yield in this respective order.

**RECOMMENDATION**

Staff recommends that the Town Council:  
Move to accept the Investment Summary for August 2016

Prepared By: Heidi Bigall, Director of Administrative Services



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

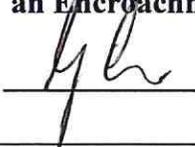
Town Council Meeting  
September 21, 2016  
Agenda Item: CC-5

### STAFF REPORT

To: **Mayor & Members of the Town Council**

From: **Community Development Department**

Subject: **Adoption of Resolution Memorializing the Granting of an Appeal for an Encroachment Permit at 1860 Mountain View Avenue**

Reviewed by: 

### BACKGROUND

At its meeting of August 17, 2016, the Town Council voted 2-1 (Fraser and Doyle in favor and Fredericks opposed) to grant an appeal authorizing the approval of an encroachment permit for a vehicular security gate and freestanding wall at 1860 Mountain View Drive.

This resolution memorializes that prior action and its adoption is a procedural formality for the record.

### RECOMMENDATION

Staff recommends the Town Council adopt the Resolution memorializing the vote and the granting of the appeal by adopting this item as part of the Consent Calendar. Councilmember O'Donnell is recused from participation on this item due to its proximity to his residence.

### EXHIBIT

1. Draft Resolution.

Prepared by: Scott Anderson, Director of Community Development

**RESOLUTION NO. XX-2016**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIBURON  
MEMORIALIZING THE GRANTING OF AN APPEAL  
OF THE PUBLIC WORKS DIRECTOR'S DENIAL OF AN ENCROACHMENT PERMIT  
FOR IMPROVEMENTS LOCATED ON THE PUBLIC RIGHT OF WAY ADJACENT TO  
1860 MOUNTAIN VIEW DRIVE**

WHEREAS, on June 27, 2016, John Merten of Studio Green Architects submitted an Encroachment Permit application (EP No. 2016-127) on behalf of the property owner of 1860 Mountain View Drive in Tiburon. The applicant sought permission to construct a portion of a vehicular access gate and a concrete freestanding wall within the public right of way of Mountain View Drive; and

WHEREAS, Town staff reviewed the proposal and determined it was inconsistent with the Town's policy for encroachments into public streets and rights of way, as set forth in Town Council Resolution No. 45-2014. On June 29, 2016, the application was denied by the Director of Public Works; and

WHEREAS, on June 30, 2016 the applicant filed a timely appeal of the Public Works Director's decision; and

WHEREAS, on August 17, 2016, the Town Council held a hearing on the appeal; during which testimony by interested parties was heard and considered; and

WHEREAS, following deliberation, the Town Council voted 2-1 (Fraser and Doyle in favor; Fredericks opposed) to grant the appeal and directed staff to return with a resolution memorializing its decision.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon hereby memorializes that the appeal of Studio Green was granted on August 17, 2016 by a vote of 2-1, based on the facts unique to this appeal, and that the Director of Public Works was directed to issue Encroachment Permit No. 2016-127 subject to standard conditions, including a memorandum of encroachment regarding future revocation.

PASSED AND ADOPTED at a regular meeting of the Town Council on September 21, 2016, by the following vote:

AYES:            COUNCILMEMBERS:

NAYS:            COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

RECUSED: COUNCILMEMBERS: O'Donnell

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ERIN TOLLINI, MAYOR  
TOWN OF TIBURON

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
September 21, 2016  
Agenda Item: CC-6

### STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Office of the Town Manager  
**Subject:** Resolution in support of "Bay Day" – October 1, 2016  
**Reviewed By:** h.c.

### BACKGROUND

Bay Trail Project Manager Laura Thompson recently contacted the Town seeking support of a resolution proclaiming October 1, 2016 as "Bay Day". A similar request has been sent to other cities and towns around the San Francisco Bay. It is deemed important in the wake of the passage of Measure AA ("The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program"), passed by the voters on June 7, 2016, and there will be regional events and celebrations on that day.

### RECOMMENDATION

Staff recommends that the Town Council consider adoption of a resolution proclaiming October 1, 2016, and the first Saturday in October of future years, as "Bay Day" in the Town of Tiburon.

**Exhibit:** Email from Laura Thompson, Bay Trail Project Manager, Association of Bay Area Governments  
Draft Resolution

**Prepared By:** Diane Crane Iacopi, Town Clerk

## Diane Crane Iacopi

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**From:** Dan Watrous  
**Sent:** Thursday, August 11, 2016 11:21 AM  
**To:** Greg Chanis; Scott Anderson; Diane Crane Iacopi  
**Subject:** FW: Bay Day Proclamation

ABAG sent this request to us to prepare a proclamation for Bay Day. The link below has a template for the resolution.

---

**From:** Laura Thompson [<mailto:LauraT@abag.ca.gov>]  
**Sent:** Thursday, August 11, 2016 11:13 AM  
**To:** Dan Watrous  
**Subject:** Bay Day Proclamation

Hi Dan,

I wanted to let you know that there is an exciting effort underway to designate October 1, 2016 and every first Saturday in October as Bay Day. There will be events along the bay all around the region that day, and with the passage of Measure AA, it's an even more special time to celebrate our bay.

ABAG is requesting that all our members adopt a resolution designating this day and I'm wondering if you can help get it on the Tiburon town council agenda. We have created a special [webpage](#) that includes a template resolution to make it easy and we'll be tracking all the jurisdictions on a map as they adopt resolutions.

Thanks,  
Laura

Laura Thompson  
Bay Trail Project Manager  
Association of Bay Area Governments  
375 Beale Street, Suite 700  
San Francisco, CA 94105  
415-820-7935  
[laurat@abag.ca.gov](mailto:laurat@abag.ca.gov)  
[www.baytrail.org](http://www.baytrail.org)

**Resolution No. xx-2016**  
**Town of Tiburon Resolution Proclaiming October 1, 2016**  
**“BAY DAY” IN THE TOWN OF TIBURON**

**WHEREAS**, the San Francisco Bay is an important part of the quality of life of residents of the Town of Tiburon, and sustains a wide range of recreational and commercial activities that are critical to the local economy;

**WHEREAS**, The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, approved by voters as Measure AA on June 7, 2016, will protect San Francisco Bay for future generations by reducing trash, pollution and harmful toxins, improving water quality, restoring habitat for fish, birds and wildlife, protecting communities from floods, and increasing shoreline public access; and,

**WHEREAS**, in order for that residents of the Bay Area to celebrate together as a region on at least one Bay Day each year and express appreciation, engage in conversation, receive education, and take positive action for the Bay, and in order to highlight the work of “Save The Bay” and other environmental organizations and individuals who have worked to improve the health of San Francisco Bay over the past 50 years;

**NOW, THEREFORE**, I, Mayor Tollini, together with my colleagues on the Tiburon Town Council, do hereby proclaim October 1, 2016, and the first Saturday of October in future years to be

**“BAY DAY”**

in the Town of Tiburon, and commend all Bay Day organizers for their efforts to inspire the entire Bay Area to celebrate, protect, and restore San Francisco Bay.

Adopted on this 21<sup>st</sup> day of September, 2016, by the following vote:

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

---

ERIN TOLLINI, MAYOR  
TOWN OF TIBURON

ATTEST:

---

DIANE CRANE IACOPI, TOWN CLERK



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
September 21, 2016  
Agenda Item: CC-7

## STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Office of the Town Manager  
**Subject:** Consider approval of revised "*Administration of Town-Owned Affordable Housing Units*" policy  
**Reviewed By:** G.L.

### BACKGROUND

The Town currently owns 7 condominium units in the Point Tiburon Marsh condominium complex for the general purpose of providing affordable, or below market rate, housing assistance to employees of the Town of Tiburon and, under certain circumstances, other public agencies (BMR Units). The BMR units are deed restricted to remain affordable in accordance with the State, Housing and Community Development (HCD) guidelines for Marin County. The current policy which details the administrative procedures for managing the BMR units was last updated in 2001. Staff has reviewed the current policy and identified a number areas in which the policy would benefit from revisions.

### ANALYSIS

The purpose of the policy is to outline the administrative procedures concerning the acquisition, rental, maintenance and tenancy of the BMR Units. Staff has reviewed the current policy with the Town Attorney, and developed a revised version for Council consideration. A clean copy of the proposed revised policy is included with this Staff Report as Exhibit 1, with a 'redlined' version included as Exhibit 2. For reference, we have also included a copy of the current policy, without revisions, as Exhibit 3.

The proposed revised policy includes no substantive revisions to how the BMR Units are managed. Rather, it includes a number of changes that seek to clarify the procedures related to the management of the BMR Units including:

- Updating the information on the number of units currently owned by the Town.
- Clarifying the procedures and criteria for the selection process when more than one Town employee expresses interest in an available unit.
- Clarifying the selection process when employees from outside agencies express interest in an available unit.
- Clarifying the process for determining rental rates and income eligibility requirements.

## FINANCIAL IMPACT

Staff anticipates no financial impact as a result of Council approving staff's recommendation.

## RECOMMENDATION

Staff recommends that the Town Council adopt the revised "Administration of Town-owned Affordable Housing Units" policy.

### Exhibits:

1. Exhibit 1: Clean version proposed revised "*Administration of Town-Owned Affordable Housing Units*" policy
2. Exhibit 2: Redline version of proposed revised "*Administration of Town-Owned Affordable Housing Units*" policy
3. Exhibit 3: Current "*Administration of Town-Owned Affordable Housing Units*" policy

Prepared By: Greg Chanis, Town Manager

Town of Tiburon, California

**ADMINISTRATION OF TOWN-OWNED  
AFFORDABLE HOUSING UNITS**

**1. Purpose**

The Town owns and may, from time to time, acquire housing units for the general purpose of providing affordable below market rate housing assistance to employees of the Town of Tiburon and other public agencies (each a “BMR Unit,” collectively the “BMR Units”). This policy outlines the administrative parameters concerning the acquisition, rental, maintenance and tenancy of the BMR Units.

**2. Resources for Acquisition**

With approval of the Town Council, the Town may appropriate available resources of any of the following Funds to purchase BMR Units:

- Low & Moderate Income Housing Fund
- Redevelopment Agency Housing Set-Aside Fund
- Town Employee Housing Fund
- General Fund Reserves

**3. Below Market Rate (BMR) Units in the Point Tiburon Marsh Condominiums**

There are twenty (20) BMR condominium units located in the Point Tiburon Marsh complex, each of which is deed-restricted to remain affordable in accordance with State Housing and Community Development (HCD) guidelines for Marin County. The Town currently owns seven of these units (Marsh Road, numbers: 2, 3, 4, 6, 11, 14, and 18) and maintains them as BMR Units.

The Marin Housing Authority (MHA) administers the sale of the condominium units, and the Town has an option to purchase the units whenever an owner offers a unit for sale.

**4. Rental or Lease of Housing**

The Town shall make its BMR Units available for rent or lease in the following priority order:

- (1) Town of Tiburon Employees. In the event that more than one eligible employee wishes to rent or lease an available unit, the Town Manager shall consider the following factors in determining the order in which BMR Units shall be provided:
  - (a) status of employees, such as permanent status, full-time status, and/or seniority of employment with the Town;
  - (b) household size;
  - (c) size of available BMR Unit

as compared to household size; and (d) type of employment, such as first responder or emergency worker, or other factors that would require close proximity to Town.

- (2) Employees from Sanitation District Number 5 of the County of Marin and the Tiburon Fire Protection District. The chief executive officer of that public entity shall recommend to the Town Manager one employee per public entity. In the event that there is a recommendation made by more than one entity, the Town Manager will make the final determination
- (3) Employees from other Public Agencies that serve the Tiburon Peninsula community, such as Employees from School Districts, City of Belvedere, Belvedere/Tiburon Library, Belvedere/Tiburon Joint Recreation Agency, on a first-come, first-served basis. The chief executive officer of that public entity shall recommend to the Town Manager one employee per public entity. In the event that there is a recommendation made by more than one entity, the Town Manager will make the final determination.
- (4) General Public, with first preference to residents of the Tiburon Planning Area, then the rest of Marin County. In the event that there is more than one request from the General Public, the Town Manager will make the final determination.

## **5. Eligibility for Rent or Lease**

The Town will rent the BMR Units only to persons and families of low, or moderate income, as defined by the guidelines in California Health and Safety Code section 50093, or successor statute. The Director of Administrative Services shall have prospective tenants certify that they are eligible to rent the BMR Units according to these guidelines for Marin County. The tenant/renter/lessee shall provide the Town with a copy of his/her most recent W-2 statement of annual earnings for wage earners of the household,, and any other information that may be reasonably requested by the Town to determine eligibility.

Annually, on the anniversary date of occupancy of a BMR Unit by a tenant, Town shall re-certify the qualifications of the tenant in accordance with the requirements of this Policy. If, upon recertification, Town determines that the tenant no longer meets the requirements of this Policy, Town shall inform tenant and notify tenant that the rental or lease of the BMR Unit will be terminated.

## **6. Rent or Lease Amount**

The Town shall establish a formula for calculating the monthly rent for the BMR Units that may provide for recovery of costs, including, but not restricted to, the following:

Property Taxes  
Homeowner Association Fees  
Maintenance  
Rate of return on Town monies used to acquire the units  
Rate of inflation in the San Francisco Bay Area

The rental rate for each BMR Unit shall not be greater than an “affordable rent” as defined in California Health and Safety Code section 50053, or successor statute.

## **7. Rent Deposit and Rental Agreement**

Tenants of BMR Units shall provide the Town with a rent deposit equal to one month’s rent, which sum represents a security deposit for rent of the BMR Unit. Each tenant shall also enter into a rental agreement, in a form approved by the Town.

## **8. Maintenance of BMR Units**

The Town’s Department of Public Works shall be the lead Department concerning repair and maintenance of the BMR Units. The Department shall undertake maintenance of or improvements to the BMR Units, or shall make recommendations concerning the utilization of outside (private) companies to perform maintenance or complete improvements.

Exhibit 2

Town of Tiburon, California

**ADMINISTRATION OF TOWN-OWNED  
AFFORDABLE HOUSING UNITS**

**1. Purpose**

The Town owns and may, from time to time, acquire housing units for the general purpose of providing affordable below market rate housing assistance to employees of the Town of Tiburon and other public agencies (each a "BMR Unit," collectively the "BMR Units"). This policy outlines the administrative parameters concerning the acquisition, rental, maintenance and tenancy of ~~such housing~~ the BMR Units.

**2. Resources for Acquisition**

With approval of the Town Council, the Town may appropriate available resources of any of the following Funds to purchase ~~housing~~ BMR Units ~~units~~:

- Low & Moderate Income Housing Fund
- Redevelopment Agency Housing Set-Aside Fund
- Town Employee Housing Fund
- General Fund Reserves

**3. Below Market Rate (BMR) Units in the Point Tiburon Marsh Condominiums  
area**

There are twenty (20) BMR condominium units located in the Point Tiburon Marsh ~~complex~~ area, each of which is deed-restricted to remain affordable housing in accordance with State Housing and Community Development (HCD) guidelines for Marin County. The Town currently owns ~~five~~ seven of these units (Marsh Road, numbers: 2, 3, 4, 6, 11, 14, and 18) ~~and 20~~ and maintains them as BMR Units.

The Marin Housing Authority (MHA) administers the sale of ~~the~~ these condominium units, and the Town has ~~the first right of refusal~~ an option to purchase the units whenever an owner offers a unit for sale.

**4. Rental or Lease of Housing**

The Town shall make its ~~housing~~ BMR Units ~~units~~ available for rent or lease in the following priority order:

- (1) Town of Tiburon ~~Employees~~ Staff ~~Employees~~. In the event that more than one eligible ~~employee~~ staff member ~~employee~~ wishes to rent or lease an available unit,

the Town Manager may give priority based on shall consider the following factors in determining the order in which BMR Units shall be provided: (a) status of employees, such as permanent status, full-time status, and/or seniority of employment with the Town; (b) household size; and (c) size of available BMR Unit as compared to household size; and (d) type of employment, such as first responder or emergency worker, or other factors that would require close proximity to Town.

(2) Employees from Sanitation District Number 5 of the County of Marin and the Tiburon Fire Protection District. The chief executive officer of that public entity shall recommend to the Town Manager one employee per public entity. In the event that there is a recommendation made by more than one entity, the Town Manager will make the final determination on a first-come, first-served basis.

(3) Employees from other Public Agencies that serve the Tiburon Peninsula community, such as Employees from eOther Public Agencies that serve the Tiburon Peninsula community, such as School Districts, Fire Districts, Sanitary Districts, City of Belvedere, Belvedere/Tiburon Library, Belvedere/Tiburon Joint Recreation Agency, on a first-come, first-served basis. The chief executive officer of that public entity shall recommend to the Town Manager one employee per public entity. In the event that there is a recommendation made by more than one entity, the Town Manager will make the final determination.

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~~(2)~~

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(4) General Public, with first preference to residents of the Tiburon Planning Area, then the rest of Marin County. In the event that there is more than one request from the General Public, the Town Manager will make the final determination.

~~(3) General Public, with first preference to residents of the Tiburon Planning Area, then the rest of Marin County.~~

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## 5. Eligibility for Rent or Lease

The Town will rent ~~its~~ the BMR Units ~~units~~ only to households persons and families of ~~low~~ low, and/or moderate income, as defined by the guidelines in California Health and Safety Code section 50093, or successor statute. The Director of Administrative Services shall have prospective tenants certify that they are eligible to rent the BMR Units ~~the BMR Units~~ according to ~~these the low and moderate income~~ guidelines for Marin County. The tenant/renter/lessee shall provide the Town with a copy of his/her most recent W-2 statement of annual earnings for wage earners of the household, and any other information that may be reasonably requested by the Town to determine eligibility.

Annually, on the anniversary date of occupancy of a BMR Unit by a tenant, Town shall re-certify the qualifications of the tenant in accordance with the requirements of this Policy. If, upon recertification, Town determines that the tenant no longer meets the requirements of this Policy, Town shall inform tenant and notify tenant that the rental or lease of the BMR Unit will be terminated.

## **6. Rent or Lease Amount**

With respect to Point Tiburon BMR units the Town shall also consider the income of the tenant(s) to ensure that a BMR unit is offered and maintained as affordable.

The Town shall establish a formula for calculating the monthly rent for the BMR Units that may provide for recovery of costs, including, but not restricted to, the following:

- Property Taxes
- Homeowner Association Fees
- Maintenance
- Rate of return on Town monies used to acquire the units
- Rate of inflation in the San Francisco Bay Area

The BMR Units shall be made available at a rental rate for each BMR Unit shall not be not greater than an "affordable rent" as defined in California Health and Safety Code section 50053, or successor statute.

The Town may utilize the rate of change in the Consumer Price Index for Wage Earners in the San Francisco Bay Area, for the twelve month period January to December, for baseline adjustments to rents.

## **7. Rent Deposit and Rental Agreement**

Tenants of BMR Units shall provide the Town with a rent deposit equal to one month's rent, which sum represents a security deposit for rent of the BMR Unit. Each tenant shall also enter into a rental agreement, in a form approved by the Town.

## **8. Maintenance of Housing-BMR Units**

The Town's Department of Public Works shall be the lead Department concerning repair and maintenance of rental at the BMR Units. The Department shall undertake maintenance of or improvements to the BMR Units, or shall make recommendations concerning the utilization of outside (private) companies to perform maintenance or complete the improvements.

Town of Tiburon, California

**ADMINISTRATION OF TOWN-OWNED  
AFFORDABLE HOUSING UNITS**

**1. Purpose**

The Town owns and may, from time to time, acquire housing units for the general purpose of providing affordable housing assistance to employees of the Town of Tiburon and other public agencies. This policy outlines the administrative parameters concerning the acquisition, maintenance and tenancy of such housing.

**2. Resources for Acquisition**

With approval of the Town Council, the Town may appropriate available resources of any of the following Funds to purchase housing units:

Low & Moderate Income Housing Fund  
Redevelopment Agency Housing Set-Aside Fund  
General Fund Reserves

**3. Below Market Rate (BMR) Units in the Point Tiburon Marsh area**

There are twenty (20) BMR condominium units located in the Point Tiburon Marsh area, each of which is deed-restricted to remain affordable housing in accordance with State Housing and Community Development (HCD) guidelines for Marin County. The Town currently owns five of these units (Marsh Road, numbers: 3, 11, 14, 18, and 20.)

The Marin Housing Authority (MHA) administers the sale of these units, and the Town has the first right of refusal whenever an owner offers a unit for sale.

**4. Rental or Lease of Housing**

The Town shall make its housing units available for rent or lease in the following priority order:

- (1) Town of Tiburon Staff. In the event that more than one eligible staff member wishes to rent or lease an available unit, the Town Manager may give priority based on permanent status, full-time status, and/or seniority of employment with the Town.
- (2) Other Public Agencies that serve the Tiburon Peninsula community (School Districts, Fire Districts, Sanitary Districts, City of Belvedere, Belvedere/Tiburon Library, Belvedere/Tiburon Joint Recreation Agency)

- (3) General Public, with first preference to residents of Tiburon Planning Area, then the rest of Marin County.

## **5. Eligibility for Rent or Lease**

The Town will rent its BMR units only to households of low and moderate income. The Director of Administrative Services shall have prospective tenants certify that they are eligible to rent these units according to the low and moderate income guidelines for Marin County. The tenant/renter/lessee shall provide the Town with a copy of his/her most recent W-2 statement of annual earnings for wage earners of the household.

## **6. Rent or Lease Amount**

With respect to Point Tiburon BMR units the Town shall also consider the income of the tenant(s) to ensure that a BMR unit is offered and maintained as affordable.

The Town shall establish a monthly rent that may provide for recovery of costs, including, but not restricted to, the following:

- Property Taxes
- Homeowner Association Fees
- Maintenance
- Rate of return on Town monies used to acquire the units
- Rate of inflation in the San Francisco Bay Area

The Town may utilize the rate of change in the Consumer Price Index for Wage Earners in the San Francisco Bay Area, for the twelve month period January to December, for baseline adjustments to rents.

## **7. Rent Deposit**

Tenants shall provide the Town with a rent deposit equal to one month's rent, which sum represents a security deposit for rent of the unit.

## **8. Maintenance of Housing Units**

The Town's Department of Public Works shall be the lead Department concerning repair and maintenance of rental units. The Department shall undertake maintenance or improvements, or shall make recommendations concerning the utilization of outside (private) companies to perform or complete the improvements.



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
September 21, 2016  
Agenda Item: *CC-8*

## STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Office of the Town Attorney  
Office of the Town Clerk  
**Subject:** Biennial Review of Town's Conflict of Interest Code  
**Reviewed By:** *h.l.*

### BACKGROUND & ANALYSIS

The Political Reform Act (the "Act") requires every public agency to adopt a conflict of interest code, and review that code every two years to make sure that it remains current. The Town last reviewed its code in 2014. The Fair Political Practices Commission ("FPPC") has notified the Town that it is time to review and update, if necessary, the code again.

The FPPC has promulgated a model conflict of interest code, which the Town has historically adopted by reference. The model code contains most of the provisions required by law. However, by design, the model code does not specify the agency employees or commissioners whose economic interests render them subject to the code's reporting requirements nor the extent of those requirements for the designated employees. That task is left to individual public agencies.

The Act itself mandates reporting requirements for certain positions. With respect to the Town, those officials are the following: the members of the Town Council and Planning Commissions, the Mayor, the Town Manager, Town Attorney, Town Treasurer, and other Town officials who manage Town investments, as well as any candidates for any of these offices at any election.

Under the Act, the Town's code must (i) identify any other Town positions that involve making (or participate in making) decisions that could foreseeably have a material financial effect on any economic interest; (ii) for each designated position, specify the types of economic interests that the person holding the position could materially affect; and (iii) require persons holding those positions to disclose any of the specified types of economic interests for their positions.

The Town Attorney and Town Clerk have reviewed the Town's current Conflict of Interest Code adopted in 2014 and determined that the Town should amend Appendix B, Section 2(C) to delete the position of IT Coordinator. As the Council may recall, the IT Coordinator position is being filled by Marin IT. When staff originally began its contractual relationship with Marin IT, the consultant designated one member to principally serve the Town, and that individual was required to comply with the policy. However, the Town is now served with multiple representatives based on the type service the Town requests, and to require each individual to

comply with the Town's policy would be cumbersome. The Town Manager will still have the ability to require Marin IT as a consultant to comply with the policy under Section 6 of Exhibit B.

#### RECOMMENDATION

Staff recommends that the Town Council:

Move to adopt the attached resolution updating its Conflict of Interest Code and direct Staff to complete the 2016 Local Biennial Notice, as required by law.

- Exhibits: 1. DRAFT Resolution updating the Town's Conflict of Interest Code  
2. FPPC – 2016 Local Agency Biennial Notice

Prepared By: Benjamin L. Stock, Town Attorney  
Diane Crane Iacopi, Town Clerk

*DRAFT*  
**RESOLUTION NO. XX-2016**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIBURON  
REPEALING RESOLUTION NO. 40-2014  
AND UPDATING THE TOWN'S  
CONFLICT OF INTEREST CODE**

WHEREAS, in 1980 the Town Council adopted Resolution No. 1094 which incorporated by reference the Fair Political Practices Commission's (FPPC) model Conflict of Interest Code (Title 2, Division 6, Section 18730 of the California Code of Regulations), including appendices detailing which positions must file an annual disclosure statement and what interests must be disclosed;

WHEREAS, since 1980, the Town Council has amended its Conflict of Interest Code in 1991, 1997, 1998, 2002, 2004, 2006, 2008, 2010, 2012 and 2014;

WHEREAS, Section 87302 of the California Government Code requires the Town to designate other positions within the Town that are required to file disclosure statements; and

WHEREAS, the Town Attorney and Town Clerk have reviewed the Town's code and recommend amendment to delete the IT Coordinator from having to file under General Management in Appendix B, Section 2(C).

NOW, THEREFORE, the Town Council of the Town of Tiburon RESOLVES as follows:

- 1) Resolution No. 40-2014 is hereby repealed and replaced by this resolution;
- 2) The FPPC's Model Conflict of Interest Code as set forth in Section 18730 shall continue to be incorporated by reference as the Town's Conflict of Interest Code, together with the appendices attached hereto and incorporated herein by reference;
- 3) The Town Clerk continues to be designated as the filing officer for the Town.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on September 21, 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:          COUNCILMEMBERS:

---

ERIN TOLLINI, MAYOR  
TOWN OF TIBURON

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK

APPENDIX "A"

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

(Unless otherwise specified, Government Code Section 87200 filers must review all schedules on Form 700. See Appendix "C" for specific disclosure categories.)

- |    |  |          |
|----|--|----------|
| 1. | Members of the Following:<br><u>BOARDS &amp; COMMISSIONS</u> |          |
|    | A. Town Council  | Form 700 |
|    | B. Planning Commission                                       | Form 700 |
| 2. | <u>GENERAL MANAGEMENT</u>                                    |          |
|    | A. Town Manager  | Form 700 |
|    | B. Town Treasurer  | Form 700 |
| 3. | <u>TOWN ATTORNEY</u>   | Form 700 |

APPENDIX "B"

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

(Unless otherwise specified, review all schedules on Form 700. See Appendix "C" for specific disclosure categories.)

Members of the following:

1. BOARDS & COMMISSIONS
  - A. Design Review Board 2
  - B. Parks, Open Space & Trails 2
  - C. Heritage & Arts Commission 4
  - D. Building Code Appeals Board 2
  
2. GENERAL MANAGEMENT
  - A. Director of Administrative Services 1
  - B. Town Clerk 3
  - C. IT Coordinator ~~3 consulting company~~
  - D. Management Analyst 3
  
3. DEPT. OF COMMUNITY DEVELOPMENT
  - A. Director of Community Development 1
  - B. Planning Manager 1
  - C. Associate Planner 2
  - D. Assistant Planner 2
  - E. Contract Planner 2
  - F. Building Official 2
  - G. Building Inspector 2
  
4. PUBLIC WORKS DEPARTMENT
  - A. Dir. of Public Works/Town Engineer Form 700
  - B. Superintendent of Public Works 4
  
5. POLICE DEPARTMENT
  - A. Chief of Police 4
  - B. Police Captain 4
  
6. CONSULTANTS As deemed applicable by  
Town Manager

APPENDIX "C"

DISCLOSURE CATEGORIES

A. APPROPRIATE FORM

All persons holding offices or positions specified in Government Code Section 87200 shall file FPPC Form 700 for purposes of complying with the financial disclosure requirements of the Conflict of Interest Code. All other positions and offices designated in Appendix "B" shall only file the appropriate schedules in Form 700 based on the disclosure categories listed below.

B. DISCLOSURE CATEGORIES

- Category 1: Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.
- Category 2: Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency with the exception of a home used exclusively as a personal residence.
- Category 3: Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.
- Category 4: Investments and business positions in business entities, and income, including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

# 2016 Local Agency Biennial Notice

Name of Agency: TOWN OF TIBURON

Mailing Address: 1505 Tiburon Boulevard, Tiburon CA 94920

Contact Person: Diane Crane Iacopi, Town Clerk Phone No. 415-435-7377

Email: dcrane@townoftiburon.org Alternate Email: bstock@townoftiburon.org

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

**An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) \_\_\_\_\_

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is over five years old, amendments may be necessary.)

## Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

**Town Hall - 1505 Tiburon Blvd., Tiburon CA 94920**

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

**Exhibit 2**

## 2016 Conflict of Interest Code Biennial Notice Instructions for Local Agencies

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The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in more than one county and will contact them.

**July 1, 2016:** The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

**October 3, 2016:** The biennial notice must be filed with the agency's code reviewing body.

We prepared a 2016 Local Agency Biennial Notice form for local agencies to use. **The Local Agency Biennial Notice is not forwarded to the FPPC.**

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

**If you answer yes, to any of the questions below, your agency's code probably needs to be amended.**

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions, or you are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC.

### **Attend a Workshop or Webinar**

Schedules and information about seminars and webinars are available at [www.fppc.ca.gov](http://www.fppc.ca.gov).



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
September 21, 2016  
Agenda Item: CC-9

#### STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Department of Administrative Services  
**Subject:** Recommendation to Approve Budget Amendment – Police Vehicle Replacement  
**Reviewed By:** H.C.

#### BACKGROUND

The Tiburon Police Department's vehicle fleet includes a 2009 Ford Escape Hybrid that is used by the Police Service Aides to conduct parking enforcement and court/errand runs around Marin and Sonoma County. This vehicle was scheduled to be replaced in FY 2017-18, and currently has 85,000 miles on the odometer. During the week of September 5<sup>th</sup> the computer that regulates vital functions such as brakes was diagnosed as needing immediate replacement, rendering the vehicle completely inoperable. The Town has received an estimate for the cost of parts and labor for approximately \$5,500.

#### ANALYSIS

Since the PSA vehicle was scheduled to be replaced next fiscal year, and its current estimated trade in value is less than \$5,000, staff believes there is little benefit to repairing the computer system. The Town could perhaps get an additional year out of the vehicle if the computer was repaired, but the vehicle would still be subject to other major repairs moving forward. After careful consideration, staff believes the best solution would be to replace the Ford Escape one year early. The purchase of a replacement vehicle is estimated at \$32,000. Staff has not determined what type of vehicle to replace the Escape with, but is leaning towards another small SUV hybrid. The new vehicle would be funded from the General Fund Capital Equipment Replacement Fund. As mentioned earlier, the vehicle was scheduled for replacement in the FY 2017-18 Budget, therefore, the majority of the capital replacement funds for this vehicle have already been collected in this Fund. The approved FY 2016-17 Municipal Budget provides for an ending fund balance in this reserve of \$415,338 prior to any proposed budget amendment, which is slightly more than three times the minimum policy funding level. If the recommended budget amendment is approved by the Town Council, the revised estimated Capital Equipment Fund balance at June 30, 2017 would be \$383,338.

#### FINANCIAL IMPACT

By approving this budget amendment expenditures from the General Fund Capital Equipment Replacement fund will be increased by \$32,000 to a total of \$148,000 in FY 2016-17.

**RECOMMENDATION**

Staff recommends that the Town Council:

Move to approve a budget amendment in the amount of \$32,000 to purchase a replacement vehicle for the 2009 Ford Escape hybrid used by the Police Service Aides.

Prepared By: Heidi Bigall, Director of Administrative Services



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
September 21, 2016  
Agenda Item:

AI-1

## STAFF REPORT

**To:** Mayor and Members of the Town Council  
**From:** Department of Public Works  
**Subject:** Open Space Management Update  
**Reviewed By:** uc.

### BACKGROUND

On November 17, 2010, the Tiburon Town Council adopted the Open Space Resource Management Plan (the Plan), which outlines the Town's responsibilities and priorities for its open space management activities. The highest priority identified in the Plan is the strategic reduction of invasive species with the goal of reducing fire hazards on open space parcels. Other goals include preserving native species and controlling/reducing non-native species and weeds.

In 2010, the cost of doing all the work included in the Plan was estimated at \$450,000 to \$500,000. The plan notes these costs should "be revised once management activities are begun and true costs are known and could be substantially higher". Based on the first four years of work, staff estimates the cost of the plan to be approximately \$600,000. The plan notes "these costs are for one-time activities only. Necessary follow-up activities should be conducted three times" with the cost of each follow-up activity costing up to 50% of the original work. Based on this, staff estimates the total cost of the plan could range from \$1.25M-\$1.5M.

In fiscal year 2013 and prior years, the \$25,000 budget for Open Space Management was exhausted on fuel reduction tasks. The sole funding source was the Measure A fund, provided to the Town by the County of Marin, to maintain, preserve and renovate existing parks, preserves and recreational facilities.

With urging from proponents of the open space work, Council increased funding in FY2014 by allocating General Funds. Expenditures in FY2014 and FY2015 were \$39,536 and \$35,238 respectively. Funding for the current fiscal year is \$53,000. This represents about 4% of the total cost of the plan. This may seem low, but as staff noted at the Council Retreat, the Town spends under 3% per year of the total cost of the Storm Drain Master Plan on storm drain work. In recognition of the funding constraints for this work, the various activities and projects included in the Plan were prioritized, resulting in a list, which includes priority 1 through priority 9 activities. For the purpose of this staff report, we are primarily focusing on priority 1 and priority 2 activities.

**Priority 1 activities** include:

- Fire safety activities, such as the removal of woody vegetation within 100 feet of residential homes
- Imminent public safety work such as removal of a hazardous tree
- Removal of non-native species such as Pampas grass

**Priority 2 Activities** involve removal of non-native woody vegetation (e.g. French Broom) that is colonizing the grasslands in the Middle Ridge Area.

Work done in 2011, 2012, 2013 and 2014 focused on fire fuel mitigation and removal of non-native plant species in all of our open space parcels with emphasis on Priority 1 tasks. This largely involved fuel reduction within 100 feet of homes. In 2015, the Town completed the initial pass on Priority 1 work with about half the funding, while the remainder was used for continued mitigation and 'touch up' in the greater Middle Ridge and other 'hot spots'. Although the work over the past 5 years has focused on priority 1 tasks, the Town has also performed some priority 2 tasks.

At this point most of the priority 1 work has been completed in all the parcels. One exception is the removal of several pine trees in the Middle Ridge. As noted above, the Plan states that each area must be revisited two to three times after the initial work and that the work should be revisited one to three years after the initial work. Staff found this to be correct in that after the first four years of work on invasive species and fire reduction, there is regrowth that needs to be removed. While the first four years of work did have a positive effect on reducing fire loads and invasive species, there is still much to be done.

In FY15/16 staff planned to repeat earlier Priority 1 work for fire prevention and intended to remove pine trees in the Middle Ridge parcels categorized as priority 1 and 2 in the Plan. Subsequently, staff consulted with a resident of Tiburon with both a high level of interest, and a professional background in this type of work, who expressed concern the Town was not getting to lower priority work that would help protect special status species, such as the Jewel Flower, in the Middle Ridge area. Concerns were also raised regarding the timing of the planned removal of the pine trees during the spring while sensitive species were in bloom. We believe this was a valid concern and decided to delay the pine tree removal, but did complete other work as planned.

At the April 1, 2016 Council/Staff Retreat, staff updated Council on this issue, with Council directing staff to bring a future agenda item to Council to review the Plans priorities and funding for the Plan.

### **The Tradeoff of Sensitive Species Work and Fire Risk**

Council asked specifically for a list of work being recommended by the concerned resident, and the effect this might have on the ongoing work to reduce fire risk

The following is a list of tasks recommended by the resident:

1. Remove the pampas grass along the drainage, adjacent to Gilmartin Drive. (Priority 1)
2. Remove the French Broom up-hill from the intersection of lower fire road and Gilmartin Drive and work down. (Priority 1)
3. Remove the pine trees on parcels 25 and 26. (Priority 1)

4. Remove a patch of Harding grass adjacent to serpentine outcrop. (Priority 8)
5. Weed the serpentine outcrops. (Priority 2)
6. Remove the bamboo from parcel 26. (Priority 5)

During FY 2015/16 the Town completed the following tasks per the resident's request:

1. Removed pampas grass in the areas as requested. (Priority 1)
2. Removed French Broom in the area as requested. (Priority 1)

In addition, staff completed the following Priority 1 tasks:

1. Created a 10' fire break along Gilmartin Drive.
2. Removed most pampas grass on parcels 25 & 26.
3. Removed broom within 100' of homes on parcels 24, 25, 26 & 28.

Staff has met with Conservation Corps and has a proposal to remove pine trees in the Middle Ridge parcels 23, 25 and 26 (priority 1 & 2). We would like to perform the removal this fall. This is work that was planned for last Spring, but delayed after consultation with the concerned resident as described above. We have notified the resident regarding our plans to remove these trees, and as of this writing, have not received a response. As described below, work in sensitive areas requires that we do the work properly, and additional costs and delays will be incurred if we need to hire a biologist to be on site during the work.

Staff has not completed the following lower priority tasks from the list recommended by the resident:

1. Remove a patch of Harding grass adjacent to serpentine outcrop. (Priority 8)
2. Weed the serpentine outcrops. (Priority 2)
3. Remove the bamboo from parcel 26 (Priority 5)

As requested by Council, staff also reached out to the Fire District to determine the additional fire risk if we skipped one to three years of fire abatement work to concentrate on sensitive species. Providing a quantitative assessment of the risk is difficult. The Fire District noted the following regarding Priority 1 objectives:

1. There are still places that have broom and other pyrophytic and invasive species within 100' of residences. Skipping years is not a good idea as each year progress is not made will result in even more fuel the next year.
2. The broom along the roadside of Gilmartin is better maintained for the first 5-10 feet, but after that, it looks quite ominous. There are large patches of built up dead branches, with broom growing over that. It has also grown into the fire road between Round Hill and Gilmartin. This area deserves some attention.
3. Pampas Grass seems less compared to past years; focus should be on broom which seems to be more prevalent.
4. Pines should be removed and the Fire District could assist with this as part of a training exercise (Staff notes that some of these are in sensitive species areas where a Fire District class may not be appropriate).

5. Fire roads grading will need to be done in the very near future. [Town staff notes that fire roads were most recently graded in 2007].

## OPTIONS

Staff believes that there are basically four options for approaching work in the open space:

1. Maintain the current priorities and funding
2. Increase overall funding
3. Change priorities, if only temporarily
4. Adding more funding specifically targeted for sensitive species protection

Each of these options has trade-offs as discussed below:

### **Option 1-Maintain the Current Priorities and Funding**

Staff is currently performing work in the open space using the priorities set forth in the Plan. The majority of the work over the last five years has been Priority 1 with a little Priority 2 work. This is not to say that work around special species has been totally ignored. Although there are 21 different areas in the Plan, special species areas are predominantly in the North Middle Ridge Area consisting of four parcels [parcels 21, 23, 24, and 25] and part of a fifth [northwestern portion of parcel 26]. Each parcel in this area has priority 1 work generally removing broom, Pampas grass and pines all of which are threatening special species. The Town has done work in the Middle Ridge Area every year, while getting to some other parcels outside of North Middle Ridge only once during the same period.

Staff is proposing to approach the work slightly differently than during the first sweep of priority 1 work. We believe this approach will be more effective now that the first pass is complete.

Were staff to maintain the current Plan priorities, we would now go back to each area in **successive years**, for a minimum of three years, expanding to new areas as work in the current area was reduced and funds became available to expand to new areas. For instance, we would conduct Priority 1 work in the North Middle Ridge for three consecutive years. As work in that area decreased during those three years, we would expand into South Middle Ridge. Work in consecutive years is better at reducing the reappearance of broom and other invasive species.

Second, beginning this FY 2016/17, staff would **split the work into two contracts, one in the spring and one in the fall**. Current funding levels provide sufficient money to split the contract and still get meaningful work done. Work in the spring would occur in areas where there are no sensitive species before invasive species seed. Work in the fall would occur in areas where there are sensitive species and after those sensitive species have seeded. For example, removing pine trees in sensitive species areas.

The advantages to this approach are:

1. Fire reduction, particularly around residences continues to be a priority.
2. Work occurs first in the parcels containing special status species
3. Hitting three consecutive years will help rid the area of broom on a longer-term basis

4. Work is split to allow activity in areas around sensitive species while still removing broom before it seeds

The disadvantage of this approach is that it does not address lower priority work in special status species areas as identified by the concerned resident.

### **Option-2 Increase Overall Funding**

As noted above, the FY2106/17 budget includes \$53,000 for open space vegetation management. This is the highest level of funding since the Plan was adopted. Nonetheless, the concerned resident has stated this level of funding is insufficient. Council could increase funding. However, staff notes that although increasing funding without changing priorities would result in the work described in Status Quo above being done quicker, it would not necessarily result in lower priority work being done in the next several years.

The advantages of this approach are:

1. All the advantages of the Status Quo option above
2. Priority 1 and 2 work would get done more quickly

The disadvantages of this approach are:

1. Additional funding is used on the Plan that could be used for other Town priorities
2. This does not address lower priority work in special species areas in the near future

### **Option 3- Revise Priorities established in the Plan**

Council could choose to change the priorities in the Plan, Appendix A. This could be done on a permanent or temporary basis. Existing priorities could be shifted away from Priority 1 work such as fire reduction to lower priority work.

Work in the areas with sensitive species is more expensive than work outside areas with sensitive species. The Town is not required to work in the areas with sensitive species, or even to take positive action to protect those species. However, if we do work in areas with sensitive species, we must do it correctly to avoid any negative effect on those special status plants. The Town has typically contracted with the CA Conservation Corps to do much of the work identified in the Plan. However, it is likely staff from the Conservation Corps is not adequately trained to conduct work in sensitive areas.

Given this, staff obtained a quote from environmental consulting firm, Prunuske Chatham, Inc., for a professional botanist to survey the biologically sensitive areas of Middle Ridge Open Space, identify the areas in need of weeding, and train field personnel to perform the weeding and monitor the crew while they weed. The estimated cost of the biologist work is \$5,000 to \$10,000. Presuming the \$10,000 cost for the botanist and 100 hours for a crew to weed, plus a day to train, the annual cost for weeding in the serpentine area using Conservation Corps is \$20,000 per year.

The concerned resident prefers we do not hire the Conservation Corps for this work, but rather, recommends hiring a particular individual for the work. The individual is not a licensed contractor, therefore, cannot be hired through a contract with the Town. The individual could be

hired as a paid Summer Intern working directly for the Town. There are risks associated with this strategy, as we have no guarantees the weeding will be performed adequately, and in the event of an accident, or injury, the Intern would be covered by the Town's insurance.

As noted in the Plan, work in any area needs to be repeated about three times. Therefore, to be effective, we would want to weed the serpentine outcrops for three or four consecutive years.

The advantage to this approach is that lower priority work to preserve special status species would be completed earlier.

Disadvantages of this approach are:

1. Money would be taken from fire abatement work, including cutting or removal of pyrophytic and invasive species within 100 feet of residences.
2. As noted in the Plan, we need to repeat work in the high priority areas. Not going back to high priority work now, and skipping three years while working in the serpentine area would likely allow regrowth of invasive species in the high priority areas, undoing many of the gains made to date.

#### **Option 4- Adding More Funding Specifically Targeting Sensitive Species Protection**

This option would keep the funding the same to high priority work while providing separate funding for lower priority work in the special status species areas. Under this plan there would be the same amount of funding for high priority work and there would also be funding for the special status species work. Staff estimates this would cost about \$20,000 per year for four years for a total of \$80,000.

The advantages of this approach are:

1. It would allow staff to continue work at the currently-funded level of \$53,000 per year as listed in the Status Quo option above.
2. It would also allow weeding in the serpentine rock areas around the sensitive species.

The disadvantages of this approach are:

1. Additional funding is used on the Plan that could be used for other priorities
2. Funding used would not be in the order of previously established priorities and there is still work to do on the higher priorities related to fire safety.

#### **ANALYSIS**

In writing this report, staff's goal has been to present Council an overview of the progress that has been made since adoption of the Plan in 2010, and provide Council an opportunity to consider any changes in either the priorities established in the Plan or how the work to address these priorities is funded. Since 2010, town staff has planned and completed numerous projects identified in the Plan while adhering to the following objectives.

1. Plan and complete projects identified as the highest priority in the Plan

2. Complete these projects within the budget allocated for these purposes

At the same time, staff has consistently consulted, and worked closely with, residents interested in the management of our open space areas. This has resulted in significant progress towards addressing the many priorities identified in the Plan. In reviewing the priorities developed in the Plan in preparation for this update, staff has concluded the priority list and associated rankings are still valid and represent a reasonable approach to meet the goals articulated in the Plan. Further, given the many competing needs for funding, and recognizing that the current level of funding for this work is as high as it has ever been, staff recommends no change in the way this work is currently being planned and conducted, essentially asking Council to adopt Option 1 as described above.

**RECOMMENDATION**

Staff recommends the Town Council:

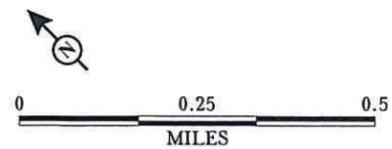
1. Hear any public comment on this item.
2. Review and discuss the Open Space Management Plan priorities and funding and provide direction to staff.

Prepared by: Patrick Barnes, Town Engineer  
Dmitriy Lashkevich, Associate Engineer



LSA

FIGURE 1



□ PROJECT PARCELS

Tiburon Open Space Management Plan

Overview

SOURCE: Aerial Imagery from the County of Marin  
 I:\TOT0801\GIS\Maps\Vegetation Mapping\Figure1\_Overview.mxd (11/23/2009)

TREATMENT AREAS AND TREATMENT RECOMMENDATIONS\*\*

General Open Space Management Considerations (All Parcels)								
Techniques. Use mechanized equipment in accessible areas and a crew on foot with hand tools on steep areas. <b>Special-Status Plant Species.</b> Avoid known locations of sensitive habitat or special status species. <b>Nesting Birds.</b> Avoid trees and dense brush from March through July to prevent disturbing nesting birds. <b>Native Grassland.</b> Use treatment techniques to avoid damage to native grassland. <b>Wetlands.</b> Careful use of treatment techniques to avoid damage to wetland vegetation. Any application of herbicides in wetlands may require a permit from the Regional Water Quality Control Board.								
Parcel Number	Open Space Area	Acres	Sensitive Resources	Suggested Vegetation Management Goal	Management Recommendations	Priority*	Cost***	Considerations/Comments and Guidelines
2	La Cresta Open Space Dedication	65.6	Oak woodland; Potentially occurring special-status species; Native grassland	Maintain oak woodland; Increase native grassland	Remove the coyote brush and French Broom stands within 100 feet of residences (mechanically cut & apply herbicide to stumps)	1	910	Remove broom in fall-winter to avoid trampling native vegetation
					Remove French and Scotch broom that are colonizing grassland (hand cut & apply herbicide to stumps)	3	28,500	Remove broom in fall-winter to avoid trampling native vegetation
					Remove French broom along edge of oak woodland (hand or mechanically cut & apply herbicide to stumps)	3	7,280	Protect native grassland; Remove broom in fall-winter to avoid trampling native vegetation
					Remove dead trees and track sudden oak death	9	U	
					Survey for and map special-status species	4	1,600	Oakland star-tulip potentially present
					Remove thistles by hand	6	180	Few small stands
					Remove stands of French broom and the associated pine, eucalyptus, and plum (mechanically cut broom, hand cut trees, apply herbicide to stumps [except pine])	6	69,160	Large broom infestations should be checked to prevent spread
					Install signage at open space access points requiring users to stay on existing authorized fireroads or trails and dogs on leash	7	360	Consider enforcing Town's "dog on leash" ordinance through the use of 1) periodic monitoring of open space and issuance of citations to violators, and 2) a combination of interpretive signage and fencing to discourage unleashed dogs
3	Cibrian Subdivision Open Space Area	3.8	Oak woodland; Native grassland; Oakland star tulip and possibly other special-status species	Maintain oak woodland; Increase native grassland; Reduce coyote brush; Maintain Oakland star tulip habitat	Remove individual plants of French broom, Monterey pine, cotoneaster, from coyote brush stands and any oak trees killed by SOD (hand removal & apply herbicide to stumps)	6	2,625	When spraying herbicide, need to ensure that drift does not land on native grasses and other non-target native plants
					Remove stand of French broom (mechanically cut & apply herbicide to stumps)	9	400	
					Maintain purple needlegrass free of woody vegetation (coyote brush) and invasive species (hand cut & apply herbicide to stumps)	3	750	
					Reduce density of coyote brush by a minimum of 50% thereby expanding native grassland and Oakland star tulip habitat (mechanically cut, if not too steep & apply herbicide to cut stumps)	7	1,601	
					Survey for and map special-status species	4	400	
4	Hexan Subdivision Open Space Area	0.7	Large oak tree; Native grassland, Oakland star tulip	Maintain large oak, native grassland and habitat of Oakland star tulip.	Remove French broom within 100 feet of residence (mechanically cut & apply herbicide to stumps)	1	728	Mulch was probably installed by the adjacent landowners
					Remove remaining French broom and Italian thistle (mechanically cut & apply herbicide to stumps)	6	3,276	
					Maintain native grassland free of woody vegetation and invasive species (mechanically cut & apply herbicide to stumps)	3	867	
					Prevent placement of additional mulch	8	A	
					Maintain mulch free of weeds. (apply herbicide)	8	150	

\* Priorities: 1 is the highest priority and 9 is the lowest priority

\*\* See Section 4 of the RMP for a list of management recommendations and descriptions of the open space parcels. See Section 3.1.3 for vegetation treatment protocols for fire safety.

\*\*\* See Section 3.6 of the RMP for explanation of the cost of the management activities. A = administrative cost of office staff; U = unknown cost.

Parcel Number	Open Space Area	Acres	Sensitive Resources	Suggested Vegetation Management Goal	Management Recommendations	Priority*	Cost***	Considerations/Comments and Guidelines
8	Mateo Drive Subdivision Open Space Dedication	3.2	Watercourse; Native grassland	Prepare site for oak woodland mitigation plantings by removing non-native species.	Remove French broom, cotoneaster, ornamental juniper, pride of Madeira and other ornamental plants (hand cut & apply herbicide to stumps)	6	5,460	Much of area is steep; Avoid native grasses for vegetation treatments
					Remove non-native shrubs, including French broom along a 10-foot wide band beside Paradise Drive (mechanically cut & apply herbicide to cut stumps)	9	360	
					Repair eroding area above watercourse	8	720	
9	La Cresta Subdivision Open Space Path Easement	0.1	None	Contain ornamentals to path area	Monitor to ensure that ornamentals do not spread into wildlands	9	45	
15	Atkinson Open Space Bond Purchase	59.7	Native grassland; Wetlands; Potential for Special-status species	Maintain grassland and wetland areas free of invasive species and coyote brush. Maintain existing California sagebrush scrub and wetland; Increase native grassland by removing non-native species; Monitor and Repair eroding banks of watercourses and head cuts as needed.	Remove Individuals of coyote brush and/or small areas of French broom, Monterey pine, sweet fennel, Harding grass, Italian thistle, Myoporum, plum, and Pampas grass from grassland or other areas (hand cut & apply herbicide to stumps)	3	72,000	Consider enforcing Town's "dog on leash" ordinance through the use of 1) periodic monitoring of open space and issuance of citations to violators, and 2) a combination of interpretive signage and fencing to indicate sensitive habitat areas and discourage unleashed dogs
					Remove Pampas grass (hand or backhoe & herbicide)	1	4,368	
					Remove stands of French broom and sweet fennel (hand cut & apply herbicide to stumps)	5	7,280	
					Thin the coyote brush stands, especially those within 100 feet of the residences on Turtle Rock Court (hand cut & apply herbicide to stumps)	3	437	
					Remove any colonizing coyote brush, coast live oak, California bay and other species of trees from the California sagebrush scrub (hand cut & apply herbicide to stumps)	7	750	
					Survey for and map special-status species	4	3,200	
					Install signage at open space access points requiring users to stay on existing authorized fireroads or trails to minimize the creation of short-cut trails and/or trampling of sensitive habitats	7	360	
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	7	45	
Repair erosion of watercourses and trails.	8	1,080						

\* Priorities: 1 is the highest priority and 9 is the lowest priority

\*\* See Section 4 of the RMP for a list of management recommendations and descriptions of the open space parcels. See Section 3.1.3 for vegetation treatment protocols for fire safety.

\*\*\* See Section 3.6 of the RMP for explanation of the cost of the management activities. A = administrative cost of office staff; U = unknown cost.

Parcel Number	Open Space Area	Acres	Sensitive Resources	Suggested Vegetation Management Goal	Management Recommendations	Priority*	Cost***	Considerations/Comments and Guidelines
21	Miraflores Subdivision Subdivision Open Space Area and Pathway (NMRMA)	17.3	Serpentine outcrop along east edge supporting Tiburon jewelflower and Tiburon buckwheat; Potential for Marin microblind harvestman; Wetland; Watercourse; Native Grassland	Maintain habitat for rare plants; Prevent spread of some noxious weeds	Remove pride of Madeira (hand cut and apply herbicide to trunks)	5	360	Pride of Madeira occurs in south portion of parcel (between Avenida Miraflores and Geldert Drive) (not mapped) and along gully in southern portion.
					Remove Pampas grass (hand cut with metal blade on weed whip & herbicide or backhoe)	1	1,080	Pampas grass occurs in south portion of parcel (between Avenida Miraflores and Geldert Drive) (not mapped) and along gully in southern portion.
					Remove all individuals of artichoke thistle with follow-up for several years (hand removal)	2	360	An extremely invasive plant that is difficult to remove due to its sharp spines
					Weed serpentine outcrops of wild oats (hand removal)	2	360	
					Survey for and map special-status species	4	1,600	
					Remove black acacia, French broom, and other non-native species that are growing within 100 feet of homes on Hacienda Drive, Avenida Miraflores, Mira Flores Lane, and Rock Hill Drive (mechanically and hand cut & apply herbicide to stumps)	3	1,165	Alert property owners of spread of acacia into open space (last house on Hacienda Drive) and planted ornamental grasses and pride of Madeira (last house on Avenida Miraflores)
					Remove pines and bull thistles (hand cut pines and hand removal of thistles)	5	1,602	
					Remove non-native woody vegetation that is colonizing grassland (hand cut & apply herbicide)	2	32,760	
					Install signage at open space access points requiring users to stay on existing authorized fire roads or trails to minimize the creation of short-cut trails and/or trampling of sensitive habitats	4	360	Consider enforcing Town's "dog on leash" ordinance through the use of 1) periodic monitoring of open space and issuance of citations to violators, and 2) a combination of interpretive signage and fencing to indicate sensitive habitat areas and discourage unleashed dogs; Existing signs are removed
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	4	45	
					Investigate "taking" of open space by adjacent property owner	7	A	Acacia and ornamental vegetation may have naturally colonized adjacent open space
					Remove French broom along east edge near fire road (mechanically cut & apply herbicide to stumps)	2	437	Stand of broom is directly across from population of Tiburon jewelflower
					Thin coyote brush stands to 25% cover or less to prevent grasslands from becoming scrub (mechanically cut & apply herbicide to stumps)	9	18,200	A few isolated and dense stands of coyote brush should remain for wildlife cover
					Remove rest of French broom (mechanically cut & apply herbicide to stumps)	6	6,188	
23	Del Madera Subdivision Homeowners Open Space Area (NMRMA)	18.7	Serpentine grassland; Wetland; Watercourse; Special-status species	Maintain oak woodland and serpentine grassland; Protect habitat for special-status species	Remove individuals or small colonies of Italian thistle (hand cut) and sweet fennel (hand or mechanical removal & apply herbicide to stumps)	6	800	Special-status plant species occur onsite and should be avoided.
					Remove French broom and Pampas grass (hand removal & apply herbicide to cut surfaces)	2	180	Coordinate with adjacent home owners for them to remove French broom and Pampas grass from their back yards
					Remove pines (hand cut)	1	720	
					Install signage at open space access points requiring users to stay on existing authorized fire roads or trails to minimize the creation of short-cut trails and/or trampling of sensitive habitats	4	360	Consider enforcing Town's "dog on leash" ordinance through the use of 1) periodic monitoring of open space and issuance of citations to violators, and 2) a combination of interpretive signage and fencing to indicate sensitive habitat areas and discourage unleashed dogs
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	4	45	
					Survey for and map special-status species	4	2,000	
					Conduct general maintenance of the trails and fire roads to ensure that they are clear of debris and erosion is minimized	8	720	

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Parcel Number	Open Space Area	Acres	Sensitive Resources	Suggested Vegetation Management Goal	Management Recommendations	Priority*	Cost***	Considerations/Comments and Guidelines
24	Reed School District Open Space Bond Purchase Area (NMRMA)	12.7	Serpentine grassland; Serpentine outcrops; Wetlands; Watercourses; Special-status plant species	Maintain serpentine grasslands; Protect habitat for special-status species	Remove all pine saplings/seedlings (hand cut)	1	1,440	Pine saplings along escarpment presently small
					Remove thistles (hand cut)	2	360	Some thistles removed in 2008; follow-up needed
					Remove French broom by back yards of homes on Gilmartin Drive (mechanically cut & apply herbicide to stumps)	1	1,238	Entire stand should be removed
					Survey for and remove Fr. broom and other woody species in grassland (hand cut & apply herbicide to stumps)	2	16,500	
					Weed serpentine outcrops of wild oats (by hand)	2	720	Annual grasses outcompeting endangered plants; weeding to be done by person(s) familiar with special-status plants in area
					Protect serpentine outcrops from trampling by people and dogs	4	A	Consider enforcing Town's "dog on leash" ordinance through the use of 1) periodic monitoring of open space and issuance of warnings or citations to violators, and 2) a combination of interpretive signage and fencing to indicate sensitive habitat areas and discourage unleashing dogs
					Install signage at open space access points requiring users to stay on existing authorized fire roads or trails to minimize the creation of short-cut trails and/or trampling of sensitive habitats	4	360	
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	4	45	
					Develop interpretive signs discussing the special-status species	4	320	
					Survey for and map special-status plant species	4	800	
					Conduct general maintenance of the trails and fire roads to ensure that they are clear of debris and erosion is minimized	8	720	Populations of rare plants monitored periodically by Eva Buxton for USFWS
25	Hamon (Rock and Tree) Bond Purchase Open Space Area (NMRMA)	10.7	Serpentine grassland; Serpentine outcrops; Wetlands; Watercourses; Special-status species;	Maintain and preserve serpentine grassland/native grassland; protect habitat for special-status plants; enhance wetland	Remove French broom in vicinity of serpentine outcrops, including follow-up in areas where broom was removed in 2008 (hand cut & apply herbicide to stumps)	1	728	Necessary to prevent spread into sensitive habitat
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	4	45	
					Remove/reduce density of other infestations of broom (mechanically cut & apply herbicide to stumps)	5	2,330	
					Weed portions of serpentine outcrops (escarpment) of wild oats (by hand)	2	360	Weeding needs to be done by person(s) familiar with special-status species in area
					Remove dead and live pines below escarpment and saplings near wetland (hand cut)	2	3,349	Pines are converting habitat from serpentine grassland to a non-native woodland
					Remove bull thistle, purple star-thistle, and Italian thistle (by hand)	6	360	Bull thistle especially invasive in denuded areas where broom/pampas grass removed in 2008; starthistle recent invasion of parcel, especially near Hippie tree
					Remove pride of Madeira on slope below "Hippie Tree" (hand cut)	5	180	Only a few plants present in 2009
					Remove woody vegetation that is colonizing grassland except California sagebrush (hand cut & apply herbicide to stumps)	5	7,500	
					Conduct general maintenance of the trails and fire roads to ensure that they are clear of debris (garbage) and erosion is minimized	8	720	
					Thin coyote brush stands to 25% cover or less to prevent grasslands from becoming scrub (mechanically cut & apply herbicide to stumps)	9	10,920	A few isolated and dense stands of coyote brush should remain for wildlife cover
					Remove Harding grass from wetland (by hand)	8	720	
Survey for and map special-status species	4	800	Populations of rare plants monitored periodically by Eva Buxton for USFWS and CDFG					

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Parcel Number	Open Space Area	Acres	Sensitive Resources	Suggested Vegetation Management Goal	Management Recommendations	Priority*	Cost***	Considerations/Comments and Guidelines
26	Del Madera Subdivision Dedicated Open Space Area (NMRMA and SRMRA)	10.7	Serpentine grassland/native grassland; serpentine outcrops; wetlands; watercourses; special-status plant species;	Maintain and preserve serpentine grassland/native grassland; protect habitat for special-status plants; enhance wetland	Remove all pines/pine saplings near escarpment (hand cut)	1	2,160	Pines are converting habitat from serpentine grassland to a non-native woodland
					Remove all Pampas grass (mechanically cut & apply herbicide to base)	1	2,160	Stand in serpentine seep in eastern portion is especially detrimental to native plants; large plants in wetland below fireroad are "destroying" wetland and watercourse
					Remove French broom from areas within 100 feet of homes. (mechanically cut & apply herbicide to stumps)	1	364	
					Remove French broom from 10-foot wide boarder along Gilmartin Drive (mechanically cut & apply herbicide to stumps)	1	364	
					Remove French broom (mechanically cut & apply herbicide to stumps)	8	12,121	French broom must be monitored and seedlings removed for it not to spread to serpentine grassland
					Search for and remove individuals and small stands of French broom and other species of woody vegetation that are colonizing grassland. (hand cut & apply herbicide to stumps)	2	3,000	
					Monitor trail use and enforce Town of Tiburon regulation of "dogs on leash" and "clean after your dog"	4	45	
					Remove pride of Madeira on Gilmartin Drive embankment (hand cut trunk)	5	360	This species is highly invasive and fast-growing
					Monitor recurrence of and remove French broom in areas where removed in 2008 (hand cut & apply herbicide to stumps)	1	360	Follow-up for several years will be necessary
					Remove Harding grass from stream channel west of Gilmartin Drive (hand removal)	8	1,456	
					Remove sweet fennel (mechanically cut & apply herbicide to base) and Harding grass (hand removal) in southern portion	8	1,019	This portion entirely vegetated by non-native species
					Keep seeps/wetlands east of fireroad (near Gilmartin Drive) free of weeds, including bullthistle	3	473	One small seep supports marsh zigadene (CNPS List 4)
					Remove bamboo shoots (hand or mechanically cut & apply herbicide to stumps)	5	360	Bamboo removed in 2008 but underground stems are resprouting
					Survey for and map special-status species	4	400	Populations of rare plants monitored periodically by Eva Buxton for USFWS and CDFG
27	Agins Subdivision Dedicated Open Space Area (Agins)	0.5	Native grassland; Watercourse	Maintain grassland and oak woodland.	Remove French broom, sweet fennel, and pride of Madeira (hand or mechanically cut & apply herbicide to stumps)	8	360	Coordinate with adjacent home owners for them to remove French broom and Pampas grass from their back yards
28	Eavey Bond Purchase Open Space Area (Eavey) (SMRMA)	20.7	Native grassland; Wetland; Potential for special-status species	Maintain wetland and woodland. Increase native grassland.	Remove Pampas grass (hand cut & apply herbicide to base)	2	180	Grassland separates the French broom from the backyards thereby reducing the priority for removal. Coordinate with adjacent home owners for them to remove invasive non-native species from their back yards that front the Town's open space.
					Maintain wetland and grassland areas free of French broom and other native and non-native shrubs (hand or mechanically cut & apply herbicide to stumps [uplands only])	6	18,928	
					Remove French broom from areas within 100 feet of homes (hand cut & apply herbicide to stumps)	1	3,640	
					Remove French broom from areas within 100 feet of oak woodland and from beneath canopy of oak woodland (hand cut & apply herbicide to stumps)	7	16,380	
					Create fuel breaks in the French broom (mechanically cut & apply herbicide to stumps)	7	10,920	
					Conduct controlled burn of French broom areas.	7	18,000	
					Investigate "taking" of open space by adjacent property owners	5	A	
Monitor sudden oak death. If dead trees are greater than 5 percent cover of oak woodland, initiate removal of dead trees.	9	U						

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29	Mt Tiburon Subdivision Dedicated Open Space Area (Mt Tiburon)	12.5	Potential for purple needlegrass grassland;	Maintain grassland and oak woodland.	Maintain grassland free of woody species (hand cut & apply herbicide to stumps)	5	4,514	Isolated nature of site reduces the priority
					Monitor sudden oak death. If dead trees are greater than 5 percent cover of oak woodland, initiate removal of dead trees.	9	45	The site is extremely steep and only needs monitoring at this time.
30	El Marinero Subdivision Dedicated Open Space Area (El Marinero)	9.3	Potential for native grassland	Maintain grassland and oak woodland.	Monitor culvert and edge of road for erosion	8	45	The site is extremely steep and only needs monitoring at this time.
					Monitor for and remove refuse dumped along the road	8	90	
					Monitor sudden oak death. If dead trees are greater than 5 percent cover of oak woodland, initiate removal of dead trees.	9	U	
31	Hilarita Project Dedicated Open Space Area (Hilarita)	2.8	Wetland; Native grassland	Maintain oak woodland and non-native grassland. Increase native grassland.	Remove pride of Madeira (hand cut & apply herbicide to cut trunk) and Pampas grass (hand cut & apply herbicide to base or backhoe)	6	180	Grassland separates the French broom from the buildings thereby reducing the priority for removal. Portions of Hilarita are steep.
					Remove individual plants of French broom, myoporum, cotoneaster, Italian thistle, acacia, and other invasive species that are colonizing grassland and wetland. Remove seedling and sapling eucalyptus and pine; large trees may remain (hand or mechanically cut & apply herbicide to stumps)	3	3,000	
					Remove stands of French broom and non-native woody species within 100 feet of buildings (hand or mechanically cut & apply herbicide to stumps)	3	720	
					Remove stands of French broom and acacia (hand or mechanically cut & apply herbicide to stumps)	7	2,621	
					Remove non-native tall fescue and Harding grass from seep (by hand)	8	720	
					Monitor Himalayan blackberry and control if stands exceed 20 feet in diameter.	9	360	
33	"Reed Park" Town-owned Open Space Lots (Reed Park)	1.5	Wetland; Native grassland	Maintain native grassland and oak woodland. Increase native grassland.	Remove Individuals or small stands of French broom from grassland or areas beneath oak woodland canopy (hand cut & apply herbicide to stumps)	7	360	Portions of Reed Park are steep
					Remove stands of French broom (hand cut & apply herbicide to stumps)	7	2,002	
					Remove stands of French broom within or beside understory within 100 feet of homes	1	2,075	
					Monitor Himalayan blackberry and control if stands exceed 20 feet in diameter.	9	360	
37	Marinero Circle Park (Marinero)	0.7	Wetland; Native grassland; Potential for Special-status species	Maintain non-native grassland and Increase native grassland.	Thin understory beneath Italian stone pine trees; clear limbs less than 3 inches in diameter for 10 feet.	1	360	The majority of Marinero is steep and inaccessible
					Remove Pampas grass (hand cut & apply herbicide to base)	5	180	
					Remove Monterey pine, French broom, and sapling Italian stone pine and other non-native species that are colonizing the grassland (hand cut & apply herbicide to stumps [except pines])	6	874	
					Remove the large Italian stone pine (to 14 inches in dbh and 30 feet tall) that is growing on the road cut (hand cut)	1	720	
					Survey for and map special-status species	6	400	
48	Stevens Court Open Space Dedication (Stevens)	0.6	None	Maintain oak woodland.	Monitor sudden oak death, if dead trees are greater than 5 percent cover of oak woodland, initiate removal of dead trees.	9	U	Site is inaccessible because surrounded by dense oak woodland.

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57	Meadowhill Subdivision Open Space Dedication (Meadowhill)	0.7	Wetland; Native grassland	Maintain non-native grassland and oak woodland. Increase native grassland.	Remove French broom, Myoporum, Pride of Madeira, and other non-native shrubs from grassland (hand cut & apply herbicide to stumps)	9	473	Meadowhill is inaccessible except through adjacent residential property
					Remove the small Monterey pine trees. Removal of the larger Monterey pine trees should occur if such removal will not damage the shorter coast live oak trees. Remove stands of French broom (hand cut & apply herbicide to stumps [except pines])	9	2,160	
					Investigate "taking" of open space by adjacent property owner	5	A	
					Remove the lower limbs of the coast live oak trees	9	360	
58	Straits View Drive to Spanish Trail Road Strip	0.1	None	Reduce spread of non-native species.	Remove French broom, pride of Madeira, and Pampas grass (hand cut & apply herbicide to stumps)	9	360	This is a very narrow strip of land with limited access and is beneath a transmission line.
					Monitor for and remove seedling and sapling eucalyptus (hand cut & apply herbicide to stumps)	9	45	

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