

**TOWN COUNCIL  
SPECIALAND REGULAR MEETING  
MINUTES**

**SPECIAL MEETING – Cancelled**

The special meeting scheduled for March 16, at 7:15 p.m., was cancelled because the interviewee withdrew her application in advance of the meeting.

**INTERVIEWS FOR VACANCIES ON TOWN BOARDS & COMMISSIONS**

(The Ranch Committee – One Vacancy for Tiburon appointee)

- **Sarah Sung**

**ADJOURNMENT – to regular meeting**

**REGULAR MEETING – 7:30 p.m.**

**CALL TO ORDER AND ROLL CALL**

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

ABSENT: COUNCILMEMBERS: None

PRESENT: EX OFFICIO: Town Manager Chanis, Town Attorney Stock,  
Police Chief Cronin, Director of Director of  
Community Development Anderson, Minute Clerk  
Hennessy

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

None.

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

1. **Town Investment Summary** – Adopt report for January 2016 (Director of Administrative Services Bigall) - [the agenda mistakenly listed the item as a report for February 2016]

There was a general discussion of the many meetings and cooperation between the Town of Tiburon, City of Belvedere and RUSD regarding traffic congestion during school commute times. It was noted that Belvedere and RUSD had already approved the draft JPA Agreement.

The Mayor opened the discussion to the public; there being no comments, the item was returned to the Council.

It was noted the draft agreement had been rewritten many times and has been approved by the Town Attorney and Police Chief.

It was also noted that adoption of the Joint Powers Authority does not commit the Town to any expenditures; could liaison with Marin Transit and other organizations.

In response to Councilmember O'Donnell, Mayor Tollini stated she would be willing to serve on the Joint Powers Authority. Councilmember O'Donnell noted the biggest problem for ridership is at Reed School because the students are the youngest and most vulnerable and some parents drive from Corte Madera to this school.

MOTION: To approve as to form the Joint Powers Agreement to establish the Tiburon Peninsula Traffic Relief Joint Powers Authority as presented, and authorize the Town Manager to execute the agreement on a date he determines in his judgment to be appropriate, and to appoint Erin Tollini and Jim Fraser to serve as Primary Directors to the JPA

MOVED: O'Donnell, seconded by Fredericks

VOTE: AYES: Unanimous

## **PUBLIC HEARINGS**

### **1. Firearms Regulation – Consideration of amendments to Chapter 16 (Zoning) and Chapter 32 (Regulation of Firearms) of the Tiburon Municipal Code – *Introduction and first reading of Ordinance* (Director of Community Development Anderson/ Town Attorney Stock)**

The Director of Community Development reviewed the staff report and stated as a reaction to increased mass shootings throughout this country, a number of local jurisdictions have considered and enacted various measures relating to firearms. The Town has previously enacted Chapter 32 in the Municipal Code addressing firearms, but that the amendments would add several sections to Chapter 32, including provisions for reporting requirements for the loss or theft of firearms, requirements for the safe storage of handguns, and a prohibition on the possession of large capacity magazines.

The Town Council also directed that zoning regulations regarding firearms dealers be added to clarify those areas where such uses might be permitted or prohibited.

The proposed reporting law would require a person to report the loss or theft of a firearm he or she owns or possesses within 48 hours of the time he or she knew or reasonably should have known of such loss or theft. The law also requires persons who have had a firearm lost or stolen within five (5) years prior to the effective date of the law to report the loss or theft within sixty

days of the Ordinance's effective date. This provision is designed to decrease the ability of a gun owner to falsely claim that his or her gun was lost or stolen before the reporting requirement went into effect.

Director Anderson also reviewed the storage of handguns provision and its exceptions, as well as prohibition of large capacity magazines, and the exceptions pertaining thereto. He stated large capacity magazines can hold up to 100 rounds of ammunition and magazines with a capacity of more than 10 rounds of ammunition are generally considered to be "large capacity" magazines.

With respect to the zoning amendments, Director Anderson stated specific zoning text amendments proposed would add a definition for "firearms sales", add firearms sales" to the list of conditionally permitted uses in the Town's commercial zones, and prohibit" firearms sales" as an allowable type of home occupation. The latter would effectively prevent the sale of firearms and ammunition in residential zones.

He summarized the majority of non-firearms-related zoning text amendments as follows:

- 1) Amendments to clarify the relationship between "setbacks" and "yards" in the zoning Ordinance by eliminating references to "yards".
- 2) Amendments to categorically prohibit the sale and cultivation of marijuana in all zones by adding these uses to the list of "uses prohibited in all zones".
- 3) Amendments to clarify the existing provisions regarding "use-for-use" changes in the Neighborhood Commercial and Village Commercial zones by the addition of explanatory text addressing the circumstances under which a conditional use permit would or would not be required.

Anderson stated that earlier this year, the Planning Commission adopted resolutions recommending approval of the zoning text amendments. He noted that the Commission was not required to consider or make a recommendation regarding the proposed Chapter 32 amendments, but was made aware of their nature for contextual purposes.

Anderson stated the staff has preliminarily determined that the proposed amendments are exempt from further review under CEQA. The Town Council would finalize this determination if it approves the amendments as recommended.

The Director stated no letters or other correspondence has been received regarding the proposed amendments, and the staff foresees no direct fiscal impact. He recommended the Town Council:

1. Hold a public hearing on the proposed municipal code amendments to Chapter 32 and Chapter 16 and consider all testimony and correspondence received.
2. Deliberate on the proposed municipal code amendments, making any desired revisions.
3. Introduce the ordinances, read by title only, and hold separate votes on each ordinance for passing of first reading and waiver of additional readings.

In response to Councilmember Fredericks question about the enforcement of Section 32-27 Reporting of Loss or Theft of Firearm, Town Attorney Stock stated that an education campaign would notify people of their responsibility to report any loss or theft of firearms.

In response to Councilmember Fraser, the Town Attorney stated the Tiburon Police Department has internal requirements for reporting lost and stolen police-issued firearms.

The Mayor opened the public hearing.

Paul Trudell, Tiburon resident, felt the proposed law was too vague; suggested the possibility of safes being in cars; thought the Council would be best served by sending a letter to the State suggesting these proposed amendments be statewide.

Mary Trudell, Tiburon resident, noted she thought the State had passed a law requiring report lost or stolen guns within 48 hours since they have been studying it for a long time.

David Mittleman, Rowley Circle, was pleased to see the Town Council move to clarify the currently ambiguous provisions in the zoning ordinance regarding setbacks and yards. He complimented staff on its efforts in this regard and supported the zoning changes.

Police Chief Cronin explained his support for the proposed firearms amendments, noting there are now commercially-available storage boxes with quick release mechanisms. He believed in second amendment but opposed large capacity magazines, noting that the primary purpose behind the development of such devices was for military purposes in order to kill or disable more enemies in a short period of time.

Paul Trudell asked that the definition of large capacity magazines be revised to more than 12 rounds because that number provides a better handle.

The Mayor closed the public hearing.

Councilmember Fraser stated he agreed with Chief Cronin about the second amendment issue and said the proposed amendments were about safety.

Councilmember Doyle noted the proposed changes were about common sense; he questioned the difficulty of enforcement but thought it was a great gesture. He wondered about the scope of the definition for marijuana "cultivation".

With respect to firearms enforcement, Chief Cronin responded the biggest piece is educating people because most people will follow the law, and if the law increases reporting of loss or stolen guns, it's a good thing. The Police Department can put the serial numbers into the system. Not limiting large capacity magazines was a failure of the State legislation. Making people realize storage is a necessity is a valuable piece of public safety information. He noted that at

one time, the State provided hundreds of trigger locks to distribute to the public. The Chief stated all of these added firearms provisions are incremental public safety improvements.

In response to Councilmember Doyle asking whether there could be a medical exemption for cultivation, the Town Attorney stated the Council had previously discussed the issue of adequate access to medical marijuana and determined that adequate delivery systems existed for this purpose. Chief Cronin agreed that people with prescriptions for medical marijuana have many choices how to acquire it, and that home cultivation leads to increased burglary of homes.

Director Anderson stated because of recent State legislation, local communities were put in the position of having to ban cultivation in order to prevent state laws from preempting local laws regarding marijuana. The Council had adopted a resolution to this effect in January of this year.

Councilmember Fredericks provided the perspective of a behavioral psychologist, noting that most laws set a social norm. She said that the proposal is a social law setting forth safe behavior when owning guns, and that enforcement is different. She was not concerned about enforcement by the Police Department being problematic, and was also not concerned about marijuana cultivation being a problem in Tiburon because of its general availability. She also noted the Town was acting now so that it would not be preempted by the State laws.

Councilmember O'Donnell agreed with the Police Chief and noted there is an element to the provisions that is symbolic and not practical; sometimes symbols become movements and create change.

Mayor Tollini stated she didn't introduce this legislation for political reasons but as a response to the multiple shootings involving children. She said she supported reasonable ways to protect our citizens.

MOTION: To read both ordinances by title only.

MOVED: Doyle, seconded by Fredericks

VOTE: AYES: Unanimous

The Mayor read "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 32 (REGULATION OF FIREARMS) TO REGULATE FIREARMS STORAGE REQUIRE THE REPORTING OF LOSS OR THEFT OF FIREARMS, AND BAN THE POSSESSION OF LARGE CAPACITY MAGAZINES".

MOTION: To pass first reading of this ordinance, waive second reading, and set the ordinance for adoption at the next regular meeting.

MOVED: O'Donnell, seconded by Fraser

VOTE: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

The Mayor read “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING MUNICIPAL CODE TITLE IV, CHAPTER 16 (ZONING) REGARDING SETBACKS, YARDS, MARIJUANA SALE AND CULTIVATION, USE-FOR-USE CHANGES, FIREARMS-RELATED REGULATIONS, AND OTHER MISCELLANEOUS AMENDMENTS”.

MOTION: To pass first reading of this ordinance, waive second reading, and set the ordinance for adoption at the next regular meeting.

MOVED: O'Donnell, seconded by Fraser

VOTE: AYES: Doyle, Fraser, Fredericks, O'Donnell, Tollini

4. **Alta Robles Subdivision (PD#20)** – Consider application for a Vesting Tentative Subdivision Map for 14 lots on a 52.2 acre parcel; 3825 Paradise Drive; SODA, LLC, Owner (Rabin Family); IPA, Inc., Applicant; Assessor's Parcel Nos. 039-301-01 and 039-021-13 (Director of Community Development Anderson)

Director of Community Development Anderson reviewed the staff report and noted the Town is in receipt of a Vesting Tentative Map application from SODA LLC, which would subdivide a 52.2 acre parcel into 14 lots. The project is commonly known as the Alta Robles project. In 2012, the Town Council approved the Alta Robles Precise Development Plan.

On February 24, 2016 the Planning Commission adopted a Resolution recommending approval with conditions of the application to the Town Council.

The Director noted four letters had been received to date, all from September 2015 when the application was first filed; the Planning Commission addressed the concerns raised by the letters at its meeting and found that conditions of approval adequately addressed those concerns. The Commission further determined that it was inappropriate to reconsider the project density established by the Precise Development Plan.

The Final Environmental Impact Report was certified by the Town Council in 2011 for this project. No substantive changes to the project are proposed as part of the vesting tentative map and no additional environmental review is warranted or required. All adopted mitigation measures would continue to apply.

The Director stated the staff recommends the Town Council hold a public hearing and adopt the draft resolution approving the application.

The Mayor opened the public hearing.

Scot Hochstrasser, on behalf of the Rabin family, said the applicants concurred with the staff report and that he was available to respond to any questions.

There being no public comment, the Mayor closed the public hearing.

retreat, staff is suggesting focusing on priority setting initiatives, programs, and projects and he planned to provide a list so they can indicate which ones are priorities.

Councilmember Fredericks requested that a list of accomplishments from the past year be included in the retreat materials, if only on paper and not intended for presentation.

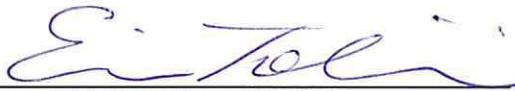
**WEEKLY DIGESTS**

Town Council Weekly Digests – March 4 & 11, 2016

There were no comments on these Digests.

**ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Tollini adjourned the meeting at 9:00 p.m.

  
ERIN TOLLINI, MAYOR

ATTEST:

  
DIANE CRANE-IACOPI, TOWN CLERK