

**TOWN COUNCIL  
MINUTES**

**CALL TO ORDER**

Mayor Collins called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, January 6, 2010, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

**ROLL CALL**

PRESENT: COUNCILMEMBERS: Collins, Fredericks, Fraser, O'Donnell, Slavitz

PRESENT: EX OFFICIO: Town Manager Curran, Town Attorney Danforth, Director of Administrative Services Bigall, Director of Community Development Anderson, Director of Public Works/Town Engineer Nguyen, Chief of Police Cronin, Town Clerk Crane Iacopi

Prior to the regular meeting, the Council met in closed session, beginning at 6:00 p.m., to discuss the following:

**CLOSED SESSION – (6:00 p.m.)**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Section 54956.9(a))

*Bonander v. Town of Tiburon*  
*Town of Tiburon v. All Persons Interested (Del Mar Valley Undergrounding)*  
*Mostyn v. Town of Tiburon et al.*

**CLOSED SESSION ANNOUNCEMENT, IF ANY**

Mayor Collins said that there was nothing to announce from the closed session.

**ORAL COMMUNICATIONS**

Miles Berger, Raccoon Lane, talked about particulate pollution resulting from wood-burning stoves and fireplaces. He said that the Spare the Air Days instituted by the Bay Area Air Quality Management Board were an attempt to address the health problems and reduce particulate pollution. He asked the Council to adopt an ordinance to require low particulate-count wood-burning stoves and fireplaces, or gas stoves, in all new construction and remodel projects in

Tiburon. He said the County of Marin had adopted such an ordinance, along with other cities, such as Mill Valley.

William Rothman, Belvedere resident, said that the structure of the Council meetings did not allow the public to comment on information presented after the public hearings were closed. He said that the public should be allowed to have all the facts so that they could comment on them.

Mr. Rothman said that the security cameras being contemplated for installation by the Town were not the same kind of cameras in place in other cities; he said that there were only three other communities in California that had this type of camera, rather than “hundreds.” He said the cameras in these cities were not on all the time, nor were they located in thoroughfares adjacent to schools. He said that he would be handing out information at the schools to warn people of the dangers of placing the cameras near schools.

Rothman’s second point was that the public did not understand how the cameras would be used. He said the public thought the cameras would be used to apprehend suspects in burglaries, or to look for suspects in “Amber Alerts.” However, he said that his discussions with the Chief of Police led him to believe that they would be used to apprehend felons wanted anywhere in the state. He said that the proposed policy was not clear.

### **CONSENT CALENDAR**

Mayor Collins asked if any member of the Council or the public would like to remove any item from the Consent Calendar for further discussion.

William Rothman asked to pull Item No. 1 for discussion; David Barker asked to pull Item No. 10 for discussion.

1. **Town Council Minutes** – Adopt minutes of November 18, 2009 regular meeting (Town Clerk Crane Iacopi)
2. **Town Council Minutes** – Adopt minutes of December 2, 2009 regular meeting (Town Clerk Crane Iacopi)
3. **Town Council Minutes** – Adopt minutes of December 7, 2009 special meeting (Town Clerk Crane Iacopi)
4. **Vacancies on Town Boards and Commissions** – Announcement of current and pending vacancies on Town Boards and Commissions in 2010 (Town Clerk Crane Iacopi)
5. **Town Check Signature Authority** – Update resolution to give newly elected officials Town check-signing authority (Director of Administrative Services Bigall)
6. **Town Manager Employment Agreement** – Adopt and authorize the Mayor to execute the

Third Amendment to Town Manager's Employment Agreement (Town Attorney Danforth)

7. **Annual Development Fee Report** – Receive annual report on the status of the Town's Development Impact Fees pursuant to the California Government Code (Director of Community Development Anderson)
8. **Street Impact Fees** – Receive required five-year report of the Town's Street Impact Fees and adopt resolution making the required findings pursuant to California Government Code (Director of Community Development Anderson)
9. **22 Mercury Avenue Appeal** – Adopt resolution waiving fees for reapplication with respect to an Appeal of the Design Review Board's decision to approve a site plan and architectural review application for the construction of a new Single-Family dwelling (Director of Community Development Anderson)
10. **Marin Energy Authority Participation** – Review of Marin Energy Authority contract for renewable electric power (Marin Clean Energy Community Choice Aggregation) and affirmation of December 7, 2009 decision to remain in the Marin Energy Authority to permit participation in the program (Town Manager Curran/Town Attorney Danforth)
11. **Marin Emergency Radio Authority Bond** – Adopt resolution approving and directing the execution of a Restated Operating Agreement, approve an Official Statement, and direct related actions in connection with the refinancing of the County-wide public safety radio system (MERA) – (Director of Administrative Services Bigall)
12. **Irrigation Water Well at 1600 Mar West Street** – Approve water well application to install and operate a non-potable (irrigation) well at the Tiburon Peninsula Club (Director of Community Development Anderson)

MOTION: To adopt Consent Calendar Item Nos. 1 through 12 (with the exception of Item Nos. 1 and 10), as written.

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Unanimous

#### **DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR**

1. **Town Council Minutes** – Adopt minutes of November 18, 2009 regular meeting (Town Clerk Crane Iacopi)

William Rothman said the motion approving the security cameras was not clear; he questioned the wording of the motion, specifically how it was amended by Councilmember Gram.

Mayor Slavitz attempted to clarify the wording by pointing out where a semi-colon was placed in the motion.

Councilmember Fredericks also attempted to clarify his question by reading from another section of the minutes in which the Chief of Police commented on how the cameras would be used, and how the policy would be modified.

MOTION: To adopt Consent Calendar Item No. 1, as written.  
Moved: Fredericks, seconded by Slavitz  
Vote: AYES: Collins, Fredericks, Slavitz  
ABSTAIN: Fraser and O'Donnell

**10. Marin Energy Authority Participation** – Review of Marin Energy Authority contract for renewable electric power (Marin Clean Energy Community Choice Aggregation) and affirmation of December 7, 2009 decision to remain in the Marin Energy Authority to permit participation in the program (Town Manager Curran/Town Attorney Danforth)

Town Manager Curran gave a brief report. She said that the Council had conducted a public hearing on December 7, 2009, in which the contract had been reviewed and the question of whether to continue participation in MEA had been discussed. She said that during the three-hour hearing, 12 members of the public and numerous experts from various points of view had testified. She said that the Council had deliberated and at the conclusion of their deliberations, the Mayor had asked if anyone wanted to make a motion to withdraw from MEA. No motion was made. Curran said that the Council then directed staff to bring the item back to the Council in January for affirmation on the Consent Calendar. She said that a motion for reconsideration of the item would need three votes of the Council.

Mayor Collins asked for public comment.

David Barker, Lagoon View Drive, said that he would not “rehearse” his previous comments on MEA; however, he said that the promises made by MEA were “overestimated and illusory”, and that the risks associated with the venture were greater than those stated by MEA.

Barker said that claims by the Council that participation in MEA was simply to give the Town’s citizens a choice would be true if there was actually a grassroots demand for an alternative energy provider. He said that he had heard only one public speaker so far in support of the initiative and many more had spoken against it.

Barker also disputed the claim by MEA that having an alternative energy provider would create a demand for renewable energy. He said that the contract being contemplated by MEA did not bring forth any new sources of renewables. He suggested that MEA issue an RFP for the provision of renewable energy sources.

Barker recommended that the Council vote for reconsideration of the matter and move to withdraw from MEA.

Miles Berger, Raccoon Lane, said that he would “double the number” of citizens in favor of MEA and said that he supported the Council’s action to participate.

Bill Lindquist, Cazadero Lane, said he read the Grand Jury Report. He claimed the Grand Jury had done more work than any Council on the issue and suggested that the Council “drop the whole idea” as commercially unviable. He suggested that the Council answer the question of whether they would be willing to invest their own money in the initiative, and to go ahead and do so, but not to use the public’s money.

Bob McDermott, Ridge Road, said he supported David Barker’s analysis of MEA and regretted that the Grand Jury report had come out so late. He asked whether the Council was planning to respond to the Grand Jury Report.

Town Attorney Danforth said that the Town’s response would be on the next Council agenda.

Mr. McDermott also asked what the role of the Town Council would be, going forward, especially pertaining to the issues raised by the Grand Jury in its report.

Mayor Collins said that the Marin Energy Authority meetings were open to the public and that the public could follow the issues in that venue.

Councilmember Fredericks said that this was the correct protocol, consistent with the Town’s participation in other regional agencies, such as the Transportation Authority of Marin, and was the usual course and practice of disseminating information to residents.

Town Manager Curran also said that the Town had provided information many times in articles written for the electronic newsletter, *Tiburon Talk*, and would continue to do so, particularly when it came time for residents to have the choice to stay in MEA or to “opt out.”

Councilmember O’Donnell acknowledged that this was a difficult issue for people. He said that it was also one on which “smart people can disagree.”

O’Donnell said that he disagreed with the recommendation of the Grand Jury and that he believed the venture would be successful in both creating competition and in “pushing the ball forward” to achieve a reduction in greenhouse gas emissions. He said that MEA presented the greatest opportunity to obtain renewable power, and in that he disagreed with Mr. Barker’s conclusion. He said that private enterprises would follow and join the “renewables” market.

Councilmember O’Donnell said that MEA presented a greater choice for the consumer; he noted that PG&E had just yesterday announced that they would reduce their rates by 5%.

Mayor Collins concurred. He said that a simple analogy was that supply did follow demand; he said that he believed the MEA could provide more renewable energy as time went on, and that

ultimately, it would own its own facilities. He said that he agreed with the goals of the initiative and that it was worth going forward with MEA.

He asked the Council if anyone wanted to make a motion to withdraw from the Marin Energy Authority. There was no motion to withdraw.

MOTION: To adopt Consent Calendar Item No. 10, as written.

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Unanimous

### **ACTION ITEMS**

1. **Town Council Committee Appointments** – Recommendation to update Council Committee Appointments list to reflect new committee assignments (Mayor Collins/ Town Manager Curran)

Mayor Collins said that Action Item No. A-1 would be heard at the end of the meeting.

2. **Ritter Center Art House** – Request of Chamber of Commerce to co-sponsor and locate an “Art House” on the Fountain Plaza (Town Manager Curran)

Town Manager Curran gave the report. She said that the Town had recently received a request from the Chamber of Commerce to place a privately-sponsored and uniquely decorated “Art House” on public property on a temporary basis. She said that at the end of seven weeks, the Art House would be auctioned off and the proceeds would go to Ritter House, a community-based nonprofit located in San Rafael that assists Marin’s low income and homeless population.

Curran said that the Chamber thought it was a worthwhile endeavor and that it would also serve to draw visitors to downtown Tiburon. She said that they requested that the Art House be placed in Fountain Plaza, as the most visible entry to the downtown area. She also said that local builder and Chamber member Larry Hadley had agreed to pay the \$5,000 sponsorship fee in exchange for a plaque bearing his company’s name.

She said that the Chamber was a frequent partner with the Town in events in the downtown area and that this could be viewed as a similar partnership. She said that a drawback might be the setting of a precedent which would open the door for similar requests for use of public space that the Town might not be able to sustain. One way to address this issue, Curran said, was for the Town to co-sponsor the event with the Chamber. She said that the Town could issue an encroachment permit and that the Art House might be located in the plaza in the exact location where the Chamber’s holiday tree was currently situated.

Vice Mayor Slavitz asked if other locations had been evaluated. Curran said that other locations, such as Ferry Plaza, or Blackie’s Pasture, had been considered but that the Chamber thought the

Fountain Plaza was optimal and the most prominent location. She also noted that the cities of San Rafael, San Anselmo, and Ross had also voted to allow placement of the Art Houses on public property.

Diane Linn, Executive Director of Ritter Center, said that the issues raised by the Council had been explored by other communities and would be addressed.

Ms. Linn said that the goal of the project was to bring a difficult issue, homelessness, to the forefront, through a collaborative effort with the cities and towns. She said that there were six Art Houses in San Rafael, some on public and some on private property. She said that the organization sought a long-term partnership with the cities and towns.

Linn said that the artists selected to do the work would be appropriate to the communities, and she distributed the profiles of two such artists to the Council.

Councilmember Fredericks asked if this project was the same project that had been presented to the Mayor a year ago. Ms. Linn said that it was, although she said the project had evolved and “changed course” to its current format.

Councilmember Fredericks asked Ms. Linn if what she meant by creating a long-term relationship with the cities and towns was that the organization would request more permits in the future. Ms. Linn clarified that she meant a “temporary, but long-term relationship.” She said the houses would “appear” on March 1<sup>st</sup> in their locations, and would be removed seven weeks later.

In response to a question from Vice Mayor Slavitz, Ms. Linn said that the houses would be bolted down, or otherwise secured on a steel platform. She said that some artists encouraged interaction with their pieces (“touching”) but that she felt most people were respectful of public art and would not vandalize the pieces.

Vice Mayor Slavitz asked if the Ritter House would indemnify the Town for damage and liability. He also expressed concern about damage to the bricks in Fountain Plaza.

Ms. Linn said that the License Agreement they made available stated that the Ritter House would restore the site to their original condition. She also said that the Ritter house would provide insurance, per the Vice Mayor’s question.

Mayor Collins asked if there would be any type of signage. Ms. Linn said that the sponsor plaque would be affixed to the house. She also said that some sort of plexiglass holder containing information on the house and the project would be made available.

Larry Hadley, Vice President of the Chamber of Commerce, said that main goal in the Chamber’s view was that this would be a tool to bring business to downtown Tiburon. He said

that the secondary goal for him was personal, that of being a sponsor. He said that he had first looked into donating his company's time to build the houses but had been told there was already a builder in place.

Mayor Collins asked if anyone else from the public wished to comment. Being none, he closed the public hearing portion of the item.

Councilmember Fredericks said that historically the Council had been unwilling to approve the placement of art on a temporary basis in the downtown or other publicly prominent areas, such as Shoreline Park or Ferry Plaza. She expressed concern about the scope of the project, and the placement of a large (four by four foot) structure in a relatively small public area, especially given the reluctance of the Council to endorse artwork on public property in the past.

Fredericks expressed concern that other non-profits would want to undertake similar projects or the same project repeatedly. She said that the Chamber's request to draw attention to the downtown area could be satisfied with the distribution of a map showing the locations of all the Art Houses, as stated in one description of the project, and that an alternate location might still be found.

Councilmember O'Donnell said that he liked the concept of public art. He said that this seemed like a worthwhile cause, and that the Fountain Plaza was preferable to the Ferry Plaza, in his estimation.

Vice Mayor Slavitz said that he shared some of the concerns expressed by Councilmember Fredericks, and that he was also concerned about liability to the Town. He said he wished there was another location but that in the end, he would vote to approve the request, at least for this go round. He suggested giving it a try and seeing what happens, and to learn from the experience.

Councilmember Fraser agreed; he said that it was the right cause for the community and was also consistent with the goals of the community to revitalize the downtown area. He said that Councilmember Fredericks' comments deserved further thought and consideration, but that sometimes it was worthwhile to experiment with a new idea.

Fraser said that the location had merit in that so many people would see the Art House when they came off the ferry, or drove or walked into downtown.

As to the liability issue, Councilmember Fraser said that the placement of the Chamber's holiday tree did not appear to cause a problem, and any concerns regarding damage could be addressed through the insurance indemnification.

Mayor Collins asked if the Art Houses would be in place for 60 days. Ms. Linn said that the placement of the houses was for seven weeks.

The Mayor agreed that the Town should be indemnified through the agreement and insurance. He said that he, too, favored public art in downtown and that this may not be the best location

but rather, the only location. He asked if it could be moved if for some reason it did not work out, for example, for safety reasons.

The Town Manager said that this language could be incorporated into the agreement.

MOTION: To direct staff to work with the Chamber of Commerce and the Ritter Center to locate an Art House on the Fountain Plaza and authorize the Town Manager to enter into any agreements necessary to facilitate the project and indemnify the Town during this temporary installation.

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Unanimous

## **PUBLIC HEARINGS**

1. **Amendments to Building Code** – Miscellaneous Amendments to Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code – First Reading of Ordinance (Director of Community Development Anderson)

Director Anderson said the Town's Building Code was last amended in February of 2009, and incorporated the newest California Building Code provisions. Anderson said that certain sections of the state code had been identified as areas the Town desired to amend, specifically, an amendment to re-establish the Town's long-standing swimming pool barrier requirement that was weakened in the 2007 California Building code when it was adopted by the State. He said that Town requirement consisted of erecting a barrier at least 48 inches in height above grade to create a passive prevention method around swimming pools.

Anderson said the Building Official also recommended the following amendments: 1) eliminating a provision in the state code that exempts certain types of building awnings from a building permit; and 2) correcting a formatting error in the Town Code that was could lead to confusion.

Councilmember Fredericks asked about the change to the state code pertaining to swimming pools. Director Anderson clarified that the Town could adopt amendments to make the state code more restrictive, not less, than the current code. He said that this was the proposal before the Council.

Mayor Collins asked if a four-foot swimming pool barrier was high enough. Director Anderson said that it was adequate in the Town's experience.

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

MOTION: To read the ordinance by title only.

Moved: Slavitz, seconded by Fraser

Vote: AYES: Unanimous

MOTION: To pass first reading of ordinance by roll call vote, and to waive second reading of the ordinance in favor of adoption on Consent Calendar at the next regular meeting.

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz

**2. Amendments to Leaf Blower Ordinance** – Repeal of Title VI, Chapter 30 (Leaf Blowers and Hedge Trimmers) of the Tiburon Municipal Code, and adoption of a new Title VI, Chapter 30 (Leaf Blowers and Hedge Trimmers) – First Reading of Ordinance (Director of Community Development Anderson)

Director Anderson said that the Town had regulated leaf blowers since 1995, when it adopted restrictions on the days and hours of operation of gas-powered leaf blowers in residential areas. These regulations were substantially amended in 2002 when the town voted to ban the use of gas-powered leaf blowers in residential areas and to limit the hours and days of leaf blower use in non-residential areas.

Anderson said that in recent months, Town staff had received complaints regarding vacuum-type devices that gather, rather than blow around, leaves and other debris. He said that these mechanical devices created the same noise problems as leaf blowers, but could not be regulated under current ordinances. Therefore, Anderson said the Police Department could not enforce the Leaf Blower Ordinance restrictions on such devices.

When reviewing the current ordinance to implement this change, Anderson said that staff also tried to improve the consistency and clarity of the regulations as a whole and make them easier to use and enforce. He pointed out a chart of days and times of operation for all equipment covered under the current ordinance, with the addition of leaf vacuums. He also recommended that the Council consider amending the ordinance to make the days and hours of operation for electric leaf blowers mirror the days and hours of operation of gas-powered leaf blowers, for further ease of use and enforcement, including the prohibition of use of electric leaf blowers on holidays.

Anderson said that staff had received little public comment on the recommended changes.

Councilmember O'Donnell said that in general, he did not favor "paper policy" and that this ordinance was not really being enforced. He said that professional landscapers preferred the gas-powered equipment because it was more durable, and that there had been updates to the equipment to make it less noisy. He questioned the need to continue having the ordinance on the books at all.

Councilmember Fredericks agreed that electric blowers were only a little less noisy, but she said

that there had been compliance with the ordinance by homeowners and gardeners in her neighborhood.

Vice Mayor Slavitz said that the ordinance provides a mechanism to ban the equipment if there is a problem and that it was beneficial for that reason.

Councilmember Fraser said that the problems of enforcement could be solved through communication. He said it was the homeowner's responsibility to inform their gardeners and landscapers of the Town's rules, but he asked how the homeowner's would be informed of these proposed changes to the ordinance.

Town Manager Curran said that one idea was to post an easily printable page on the Town's website that could be downloaded by homeowners and given to their gardeners. She also said that the Town had a lot of people "in the field" that could distribute information.

Curran said that it was the practice of the Police Department to warn offenders rather than cite them; she said that the Town sought compliance with the code.

Chief Cronin agreed that enforcement of the ordinance came on a complaint-made basis. He said that police officers did not cite on the first call but noted that they could issue citations to homeowners if they did not comply. He said that the department sends a letter first.

Mayor Collins asked what the fine was for non-compliance of the ordinance. Chief Cronin said that it was \$146 in the first instance.

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

MOTION: To read the ordinance by title only.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

MOTION: To pass first reading of ordinance by roll call vote, including the amendment to Section 30-4 [no use of any devices on holidays], and to waive second reading of the ordinance in favor of adoption on Consent Calendar at the next regular meeting.

Moved: Fredericks, seconded by Slavitz

Vote: AYES: Collins, Fraser, Fredericks, O'Donnell, Slavitz

**3. Introduction of Zoning Ordinance Amendments** – Introduction and Overview of Comprehensive Reformatting and Text Amendments to the Tiburon Zoning Ordinance (Director of Community Development Anderson)

Director Anderson said that the Tiburon Zoning Ordinance was last updated in its entirety 20

years ago. He said that Planning Manager Watrous and Lisa Wise Consulting began work on a comprehensive update in 2008.

The Director said that while most of the standards and requirements contained in the ordinance had stood the test of time and seemed to work well for the Town's residents and property owners, the ordinance could nevertheless be refined and updated. In addition, Anderson said that the entire ordinance needed to be reorganized and reformatted into a more user-friendly document.

Anderson said that the Planning Commission held a total of eight public hearings on the revised draft Zoning Ordinance during 2009. Depending on the level of detail desired, and the volume of questions and comments from the Town Council, Anderson said that one or more hearings may be needed to complete the review and adoption of the ordinance.

Councilmember O'Donnell concurred that the Planning Commission had done an extensive, word by word review of the proposed ordinance.

Councilmember Fraser said that he might want to make only some "tweaks" to the language at this juncture.

Councilmember Fredericks said that she would like the opportunity to read the document thoroughly before commenting.

The Council agreed to continue the hearing on the Zoning Ordinance amendments until the March 3, 2010 regular meeting.

## **ACTION ITEMS**

1. **Town Council Committee Appointments** – Recommendation to update Council Committee Appointments list to reflect new committee assignments (Mayor Collins/ Town Manager Curran)

Mayor Collins made his recommendations for new assignments, as follows:

Regional Committees:

- ABAG – Jim Fraser, Delegate; Emmett O'Donnell, Alternate
- CDBG – Emmett O'Donnell, Delegate; Jim Fraser, Alternate
- MTA – Jim Fraser to replace Tom Gram as Delegate
- RBRA – Emmett O'Donnell to replace Dick Collins as Delegate
- WTA – Emmett O'Donnell to replace Miles Berger as Delegate

Local committees:

- Jt. Disaster Advisory Council – Jim Fraser, Town Council representative
- Jt. Recreation Committee – Jim Fraser, Town Council representative

Town Ad Hoc Committees:

- Litigation Committee – Emmett O’Donnell to replace Tom Gram; Mayor Collins
- Budget & Administration – Councilmember Fredericks; Vice Mayor Slavitz
- Corporation Yard Redevelopment – Emmett O’Donnell; Mayor Collins
- Lyford Drive Parking – Emmett O’Donnell; Mayor Collins
- Downtown issues – Jim Fraser; Mayor Collins
- Smoking Ordinance – Councilmembers Fredericks and Fraser

Other appointments:

- JPA Oversight Committee

Vice Mayor Slavitz said he would like to step down as the delegate to the Joint Powers Authority Oversight Committee but that he would still agree to be the alternate.

Councilmember Fredericks said that serving on this committee was a good way to get to know all the regional joint powers authorities and their missions.

Councilmember Fraser said that he would accept the delegate position, if appointed.

- Marin BERST – Emmett O’Donnell, alternate (to replace Miles Berger)

MOTION: To accept the new Committee assignments, as listed above.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

**TOWN COUNCIL REPORTS**

Councilmember Slavitz said that he had attended a hearing in San Anselmo on proposed legislation to ban plastic bags, or both plastic and paper bags. He said that a group had asked to make a presentation at an upcoming Council meeting which would coincide with the 40<sup>th</sup> anniversary of Earth Day.

A suggestion was made to add this item to the Council retreat agenda, along with the wood-burning ban, and a request by Councilmember O’Donnell to develop a policy on voting at board meetings where there was a lack of a quorum when a boardmember or commissioner had to recuse themselves on an issue.

**TOWN MANAGER’S REPORT**

Town Manager Curran said that she had received a request from the Tiburon Peninsula Foundation for Town support of additional historical plaques along the multi-use path. She said the TPF had requested \$2,000. Curran recommended a Town contribution of \$1,000 which could come out of the Town Manager's discretionary fund.

The Council concurred with the recommendation. Vice Mayor Slavitz suggested that the POST commission review the placement of the plaques prior to approval.

**WEEKLY DIGESTS**

- Town Council Weekly Digest – December 11, 2009
- Town Council Weekly Digest – December 18, 2009
- Town Council Weekly Digest – December 25, 2009

**ADJOURNMENT**

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the regular meeting at 9:30 p.m., and continued the closed session to Friday, January 8, at 4:00 p.m.

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RICHARD COLLINS, MAYOR

ATTEST:

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DIANE CRANE IACOPI, TOWN CLERK