

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Collins called a special meeting of the Tiburon Town Council to order at 6:30 p.m. on Wednesday, August 25, 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 Public Works/Town Engineer Nguyen, Town Clerk Crane Iacopi

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt Minutes of July 21, 2010 meeting (Town Clerk Crane Iacopi)
2. **2010 Annual Street Improvement Project** – Approve award of contract to Ghilotti Bros., Inc., and budget amendment to complete the project (Director of Public Works/Town Engineer Nguyen)

MOTION: To approve Consent Calendar Item Nos. 1 and 2, as written.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

ACTION ITEMS

Mayor Collins said that Action Item No. 2 would be heard first.

2. **SmartMeters** – Brief presentation on installation of Pacific Gas & Electric (PG&E) SmartMeters; public comment and consideration of whether communication with the California Public Utilities Commission (PUC) or other action is warranted.

PG&E representative Brian Jensen gave his presentation regarding the SmartMeter program and responded to questions from the Council.

He said that PG&E had applied to the California Public Utilities Commission in 2005 for an advanced meter reading infrastructure which was subsequently approved in 2006. He said that the current [federal] administration supported and funded “smart grid” technology and that PG&E’s SmartMeters were part of this technology. He said that they were already widely deployed in Southern California.

Mr. Jensen briefly described how the technology works—that it was a two-way radio transmission between customer and utility that would provide hourly, daily, and weekly readings. He said that the transmission signal for gas was once a day and that the electricity signal would be no more than once a month. He said the new technology would allow customers to have more accurate information and also allowed the utility to remotely hook-up new accounts thereby saving time and money. It would also allow PG&E to respond and reactivate more quickly in times of power outages, according to Jensen.

In response to questions concerning the accuracy of the meters, Mr. Jensen said that SmartMeters were far more accurate than the old meters; he said that in 6 million meters deployed, only 12 had shown problems. He said that PG&E was not “Big Brother” and that SmartMeters did not invade the privacy of its customers.

With regard to EMF transmissions, Mr. Jensen said that the transmissions were 45 seconds per day, in bursts. He said the World Health Organization said there were no short or long-term effects from the meters, and that supplemental studies conducted by PG&E in 1998 could be found at PGE.com.

Councilmember O’Donnell asked how the Data Collection Unit functioned. Mr. Jensen said that it was a 1 x 1 foot unit that would be mounted on a PG&E facility in a neighborhood or, failing that, on a light pole. O’Donnell asked if there was a possibility that they would be located on private property. Jensen said that PG&E sought to use its own facilities first but that PG&E engineers would work with “partners” in the community to find locations.

Councilmember Slavitz asked if the data transmission, which had previously been described as not in “real time”, was a cell phone call, could the Data Collection Units could be located miles away. Mr. Jensen said that the box had to be within one square mile of the customer.

Councilmember Fredericks asked how SmartMeters would integrate with customers who already have solar panels and “time of use” meters. Mr. Jensen said that he believed these meters would also have to be replaced. Fredericks said that she found the “time of use” reports to be difficult to understand and wondered whether SmartMeter customers would really find the data useful. She said that she hoped that the data would be presented simply.

Mayor Collins asked Mr. Jensen if he could remain at the meeting to answer questions from the public after Action Item No. 1 was heard. Jensen said that he could.

Mayor Collins moved to Action Item No. 1.

ACTION ITEMS

1. **Del Mar Valley 2010 Supplemental Utility Undergrounding Assessment District –**
Adoption of resolutions determining unpaid assessments and authorizing bond issuance
(Town Attorney Danforth)
 - a) Resolution Determining Supplemental Assessments Remaining Unpaid, with Certificate of Unpaid Assessments;
 - b) Resolution Authorizing the Issuance and Sale of Subordinate Lien Limited Obligation Improvement Bonds and Directing Related Actions

Town Attorney Danforth gave a brief report, stating that the adoption of the two resolutions, plus the disclosure statement attached as an exhibit to the second resolution, were the next steps to move forward with completion of the Del Mar Utility Undergrounding District.

She said that 10 residents in the district had prepaid their assessments by the end of business on August 24, in the amount of \$145,159.66, and that the unpaid assessments totaled \$1,962,600, which would be the amount of the bond to fund the district.

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

Councilmember O'Donnell thanked members of Town staff for their efforts in bringing the district forward, and resolving the outstanding litigation. Town Manager Curran also thanked members of the Town Council ad hoc litigation subcommittee and said that staff profited greatly from their input.

MOTION: To approve Resolution (a) above, as written.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

MOTION: To approve Resolution (b) above, along with the Continuing Disclosure Statement.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

Mayor Collins returned to Action Item No. 2.

2. **SmartMeters –** Brief presentation on installation of Pacific Gas & Electric (PG&E) SmartMeters; public comment and consideration of whether communication with the California Public Utilities Commission (PUC) or other action is warranted

Mayor Collins opened the public hearing

The following people spoke:

- Bob Doherty, Sugarloaf, expressed anger regarding the safety of his pacemaker and said that no one had talked to the manufacturers about how he and other users would be affected by this program;
- Irene Silesky, Lyford Drive, said there were too many unanswered questions and asked what was the rush; said that hackers might invade the system and turn it off; said PG&E should come up with better data and test the system to see how it works; said cell phones do not work in this area so how could the meter's data transmission work;
- Brian Lantier, Sugarloaf, said that any savings to PG&E customers would be offset by the rate increase to fund the SmartMeter program;
- Diane [could not hear name], Fairfax resident and realtor, said that some people want to buy homes in communities without SmartMeters, and that the transmissions would take a toll on young children; she asked the Council to join the towns and cities asking for a moratorium on this program;
- Mary Beth Branigan, Bolinas, co-director of Ecology Options Network, cited several studies on the dangers of radiation from radio transmissions; said that the FCC regulations were based on one single short-term exposure, not the frequent strong pulses from SmartMeters transmissions and the transmitters located in neighborhoods;
- Lynn Fox, Sugarloaf, said that she was involved with an EMF conference at SF State; said that the Europeans were "guinea pigs" for these programs and that some people had developed brain tumors; said that her hearing aids were affected by radio transmissions and that the transmissions would not only be in her home but throughout the neighborhood;
- Valerie Hood, Fairfax, also called for a moratorium on the program until the questions of privacy, security and health were more fully answered by PG&E;
- Barbara Wilson, President of Marinero Owners Association, said that the Board of Directors had also submitted a letter to the Council asking for a temporary moratorium until these questions could be answered; she pointed out that the PG&E representative was unable to answer them to anyone's satisfaction tonight; suggested that there should be an independent study conducted on these issues;
- Carolyn Friedman, Lyford Drive, asked whether the transmission boxes would operate all day long; said she would like to see schematics of the EMF transmissions; said that her "brain left her body" when she was around EMFs;
- Michael Arthur, Virginia Drive, said that he was worried about the cumulative effect on the children of our community and asked the Council to "stop these people right now";
- Jim Ingram, Cecilia Place Homes, said the information was difficult to understand and that the Council should take legal action so that the public could get answers to their questions.

Mayor Collins closed the public hearing.

In response to a question from Vice Mayor Slavitz concerning the Town's authority in this matter, Town Attorney Danforth said that the ultimate authority in approving the program was the California Public Utilities Commission (CPUC). She said that the CPUC had scheduled hearings for next month. She said that the Town might have some aesthetic input on the placement of boxes, etc. but that its authority was limited. She noted that PG&E had voluntarily agreed to some of the moratoriums being discussed.

The Council asked some additional questions of Mr. Jensen. The Council noted that many of the responses they received seemed incomplete.

Councilmember Fraser asked Mr. Jensen why he thought there was such a hue and cry against the program. Mr. Jensen said that PG&E had not done a good job of outreach and was trying to rectify that situation with workshops and voluntary moratoriums. Councilmember Fraser agreed that it would be beneficial to pause and listen before moving forward.

Councilmember Fredericks said that the debate about radio frequencies (EMFs) had gone on for several decades and that there were many studies available. She agreed that people should have their questions answered concerning the safety and accuracy of the data.

Mayor Collins noted that at one time, people thought that sun tanning was not harmful but had been later proved wrong.

Councilmember O'Donnell said that some aspects of the program clearly seemed to be beneficial to PG&E in allowing it to downsize its workforce and negotiate with energy producers; however, he agreed that it might be useful to call for a moratorium so that the other questions and concerns raised by citizens could be addressed.

After further discussion, the Town Council agreed that calling for legal action [moratorium] was not within the Town's purview. The Council also noted that it was not in a position to evaluate all of the information and data concerning the SmartMeter program. However, the Council noted the importance of the issue to the residents of Tiburon, and asked Mr. Jensen to take back the questions and concerns of the Council and its citizens to PG&E and ask for a response.

MOTION: To authorize the Mayor to write a letter to PG&E requesting additional information regarding safety, accuracy of the Smart Meters and to publish response on Town's website and electronic newsletter, and in Town Council Digest.

Moved: Slavitz, seconded by Fredericks

Vote: AYES: Unanimous

TOWN COUNCIL REPORTS

None.

TOWN MANAGER'S REPORT

None.

WEEKLY DIGESTS

- Town Council Weekly Digest – July 23, 2010
- Town Council Weekly Digest – July 30, 2010
- Town Council Weekly Digest – August 6, 2010
- Town Council Weekly Digest – August 13, 2010

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Collins adjourned the meeting at 8:45 p.m. to the next regularly scheduled meeting of September 1, 2010.

RICHARD COLLINS, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK