

**TOWN COUNCIL
MINUTES**

CALL TO ORDER

Mayor Slavitz called the regular meeting of the Tiburon Town Council to order at 7:30 p.m. on Wednesday, November 5, 2008, in Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.

ROLL CALL

PRESENT: COUNCILMEMBERS: Berger, Collins, Fredericks, Gram, 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 meeting in regular session, beginning at 5:45 p.m., the Council met in closed session to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Section 54956.9(a))

*Town of Tiburon v. Sylvia; Sylvia v. Town of Tiburon
Wayne et al. v. Town of Tiburon
Bonander et al v. Town of Tiburon;
In re Del Mar Supplemental Utility Undergrounding District;
Mostyn v. Town of Tiburon et al.*

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Section 54956.9(b))

*Claim of Bob Gilles
Claim of Sandra Esposito and Robert Malasky*

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Section 54957)

Title: Town Attorney

INTERVIEW – 7:15 p.m.

- Jane Jacobs, 44 Lyford Drive (Jt. Recreation Committee)

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Slavitz said that there was nothing to report.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. **Town Council Minutes** – Adopt minutes of October 15, 2008 meeting (Town Clerk Crane Iacopi)
2. **Business of the Year** – Adopt resolution commending Larry Hadley and Ireland-Robinson Hadley upon receipt of the Chamber of Commerce 2008 Business of the Year award (Town Clerk Crane Iacopi)
3. **Town Manager Contract** – Adopt amended contract for FY 2008-09 (Town Attorney Danforth)
4. **Open Space Management Plan** – Authorize Town Manager to negotiate and execute an agreement with LSA Associates (Director of Community Development Anderson & Director of Public Works/Town Engineer Nguyen)

MOTION: To adopt Consent Calendar Item Nos. 1 through 4 above.

Moved: Gram, seconded by Fredericks

Vote: AYES: Unanimous

ACTION ITEMS

1. **Appointments to Boards, Commissions & Committees** – Consider appointment to fill vacancy on Jt. Recreation Committee (Town Clerk Crane Iacopi)

Councilmember Gram said that Ms. Jacobs was “exactly the kind of candidate” the Council was looking for. He said that in addition to expressing her interest in the position, Ms. Jacobs had met with the Recreation Director and had also attended a committee meeting. He suggested that she should also meet with long-time committee member Jerry Riessen to gain some background and history on the committee.

MOTION: To appoint Jane Jacobs to the Jt. Recreation Committee.
Moved: Gram, seconded by Berger
Vote: AYES: Unanimous

PUBLIC HEARINGS

1. **Marin Clean Energy** – Consider ordinance establishing joint powers authority (Town Manager Curran and Town Attorney Danforth) - Introduction & first reading of ordinance

Town Manager Curran gave the report. She said that the issue before the Council was whether to adopt an ordinance which would establish a joint powers authority to implement a Community Choice Aggregation (CCA), as allowed under state law. This action would be a step towards two goals: creation of an alternative energy supply for Marin residents and reduction of greenhouse gas emissions.

The Town Manager said that over the past five years, the County of Marin and its 11 cities and towns have worked together to explore implementation of a CCA program that would give County residents a “greener” choice for their electrical energy needs. Meanwhile, in 2006, she said the State adopted Assembly Bill 32 which instituted a state-wide program for reducing greenhouse gases. The Marin County task force charged with developing the CCA program decided to add AB 32 compliance to the new JPAs mandate, according to Curran.

Town Manager Curran introduced members of the task force, County Planner Dawn Weisz, attorney Greg Stepanicich of Richards, Watson Gershon, whose firm was retained by the County to develop the ordinance and joint powers agreement, as well as Bill Monson, whose firm (MRW Associates) was hired by the Marin Manager’s Association to do an independent third-party review of the JPA’s business plan. She said that these experts were available to respond to any questions submitted by the Council and the public.

Ms. Curran said that if the Town chose to join the JPA, Town residents would then be able to choose to either buy energy from the new entity or stay with the current provider, PG&E. If the Council chose not to join the JPA, Tiburon residents would not have a choice of providers. The Town Manager also pointed out that PG&E would continue to provide the infrastructure under the new JPA.

Town Manager Curran said that one of the “upsides” of joining the JPA now was that there was an option to withdraw without penalty for a certain period of time; another “upside” was that there was no liability for town resources under the JPA. Nevertheless, Ms. Curran acknowledged that there were still questions that remained outstanding, a fact that she said was also noted by Mr. Monson’s firm. She said that these questions would be answered in the next nine months and that the Council would still have the opportunity to withdraw, if it chose to do so.

Ms. Curran turned the discussion over to Town Attorney Danforth.

Ms. Danforth said that the town had a long history of working with county-wide JPAs. She said that provisions had been added to the proposed agreement to ensure that the entity would conform to local land use authority.

Danforth reiterated that there was an “escape route” for the town during the 60-day review period of the energy services contracts. She noted that the County of Marin had fronted the funds for the initial study and other start-up costs which would eventually be recovered from the rate payers if the program went forward, or not at all if it did not.

Ms. Danforth acknowledged that while it was unknown what the energy services agreements (ESAs) would look like, this aspect would be worked out through the operating rules and regulations. During this process, each member entity would have one vote, while the overall voting structure of the JPA would be based on number of ratepayers.

Vice Mayor Fredericks posed a question about the use of eminent domain to avoid local land use rules. Ms. Danforth referenced the section in the agreement that pertained to local land use, requiring that local laws apply to JPA facilities. Ms. Fredericks stated that under this section, it would be “useless” for an entity to try (to condemn a property). Ms. Danforth agreed.

Ms. Fredericks posed a question about the potential failure of Marin Clean Energy and whether the [JPA] board could come up with another program without consulting its member cities/towns.

Ms. Danforth said that the Board of Directors would be formed with members from each public agency, and that theoretically, the members would seek the guidance of their individual councils prior to taking action.

Ms. Fredericks said that this raised another interesting question about representation on regional boards; whether the member spoke for the local council or for the region.

Ms. Danforth also noted that even after the JPA is formed, the town could still withdraw.

Councilmember Berger said that he was in favor of the goals of the JPA. However, he said he was concerned about whether recouping the start-up costs would drive up the rates if fewer cities or towns joined.

Mr. Berger asked whether the “green light” energy rates would be comparable to the current PG&E rates, and whether the ratepayers would be able to stay below the PG&E rates under the CCA.

Ms. Weisz reiterated that the cost of payback was already factored into the plan at or below the PG&E rate; she said that 50% was the “magic number” of ratepayers needed to make a go of the plan; she said that 30% participation was also conceivable but that the CCA would not be able to

offer as many programs under that scenario.

Ms. Weisz said that Fairfax was the first city to have adopted the ordinance, along with the County of Marin which comprised a quarter of the energy users. She said that the County and seven or eight smaller cities would be a workable number, or the County and the City of San Rafael.

Ms. Weisz said that the market would really prove if the plan was workable or not, and that no one would really know until the results came in from the RFPs.

Councilmember Berger asked whether the withdrawal period would be extended if the contracts were not solidified under the current timeline. He also asked whether people who currently had solar installations, or were contemplating their installation, would receive credit or rebates after the fact. Ms. Weisz said that their meters would be taken over by Marin Clean Energy, if they elected that option. She said that additional incentives had been discussed, in addition to state and federal rebates.

Councilmember Gram asked Mr. Stepanicich if there was any possible scenario that would make the town liable by joining the JPA. Mr. Stepanicich said “not at this time,” adding that the JPA was a separate entity that would absorb potential exposures. He also noted that additional language had been proposed to indemnify individual agencies and hold them harmless.

Town Manager Curran said that this language was in an errata sheet provided to the Council and the public.

Mr. Gram asked whether liability insurance was being requested of the RFP recipients. Ms. Weisz said that CCAs outside of California (in Ohio and Massachusetts) had not asked for insurance, and that in California, the San Joaquin Valley Energy Authority had not asked for it either. She said that essentially the ratepayers were the “backstop.”

Mr. Gram asked Mr. Stepanicich about the section of the agreement pertaining to disposition of assets. Mr. Stepanicich clarified that no actual monetary contributions were sought from the member agencies to purchase assets.

Mr. Gram asked which (energy) companies would receive RFPs. Ms. Weisz said all kinds, including non-profits, current providers to municipalities, corporate providers, and PG&E. She noted that it would “be to our benefit” if PG&E responded affirmatively to the RFP.

Mr. Gram asked whether any Wall Street firms would be involved and expressed concern because of the recent failure of some of these firms. Ms. Weisz said that Citigroup had done well and that MCE might look at other firms, as well.

Councilmember Collins asked if there was a “back up plan” in the event of a firm’s failure. Ms. Weisz said that the experts would help craft the contracts, possibly to require bidders or providers to purchase insurance.

Mr. Collins asked if there would be any detriment to local customers [of MCE] if the town withdrew. Ms. Weisz said that the PUC rules said that all customers would return to PG&E with no break in service; and that a bond would be posted with PG&E at the inception to insure this.

Councilmember Collins asked when the operating rules and regulations would be available for review. Mr. Stepanicich said that it would be early on in the process, within 60 to 90 days after formation of the JPA.

Vice Mayor Fredericks asked whether member residents could remain in MCE if the Town chose to withdraw from the JPA after service was rolled out. Ms. Weisz answered affirmatively.

Mayor Slavitz said that the way he viewed the action of joining the JPA at this time was that it was like “dating” and that no commitment had been made. He said it appeared that the town would have a “free ride” until the RPF was issued and responses were received.

Mayor Slavitz opened the public hearing.

Andy Harris, Via Capistrano, regulatory case manager for PG&E, said he was not representing PG&E in his statement but asked the Council to consider four things in its deliberations:

1. whether there was an inviolate “off ramp” for the Town;
2. whether AB32 goals were attainable because he said the requirements were very strict and that penalties would accrue;
3. no cross-subsidization by non-rate payers;
4. development of proper hedging strategies.

Councilmember Collins asked Mr. Harris if he was in favor of MCE. Mr. Harris said that in general, he was in favor of having a choice, however, he said that he had not read the business plan.

Ms. Weisz responded to Mr. Harris’ questions by stating that the PUC had ruled that it was not legal for PG&E to add the burden of cost to the ratepayers if they were reabsorbed.

As to the hedge question, Ms. Weisz said that no matter who the energy provider proved to be, the ratepayers needed this kind of expertise.

Jay Hooker, Vistazo West, asked if San Francisco had recently undertaken a similar program which had failed as a ballot measure. Councilmember Berger said the measure was something different, along the lines of the City wanting to cancel their lease with PG&E and sell themselves their own power.

Mr. Hooker said the [MCE] program seemed like a good idea and asked if anyone on the Council saw a downside.

Holly Hooker, also of Vistazo West, said that she was interested in the idea of solar assist programs. She asked if any studies had been done to see if there were enough rooftops in Marin County to provide enough energy to the grid.

Ms. Weisz said that an energy needs analysis had been done to assist the task force. She said that the County needed 240 megawatts of power annually and that 80 megawatts could be generated by solar alone. (She also noted that 5 megawatts were generated now through solar installations.)

Ms. Weisz said that there was no need to wait on individual installations but that there would also be outreach in the future.

Councilmember Berger noted that the County survey took into account “big rooftops.” He said that Tiburon was unique in its geography and that the town as a whole was a “gigantic south-facing slope.” He suggested that an advantage might be made of this fact for individual and community power generation.

Resident David Bach, [street?], expressed his concerns about the following:

- process; lack of information on the MCE website and not much public comment or understanding;
- oversight; going from a highly regulated PUC to a JPA that would be subject to political “vagaries,” not unlike a local health care board;
- risks; all contracts come to an end and there are no future guarantees; he stated that there were significant risks in this environment;
- economics; said that he had experience in forecasting and that price forecasts are “not worth the paper they’re written on;” the volatility of the commodities market;
- his belief that the programs in the draft business plan were woefully underfunded.

He said that the upside is that the CCA would reduce our greenhouse gas emissions and give us a more stable price over time, however, it would also create a bureaucracy.

Councilmember Collins asked Mr. Bach whether he was in the energy business. Mr. Bach said that he had been in the past.

John Kunzweiler, Norman Way, agreed that it was a “big idea” but said he supported it. He said that it was complicated but got us going in the right direction and that it was a concrete way to address global warming.

Mr. Kunzweiler said that in his opinion it was not a risk-free plan; that there was some “squishiness” in the business plan. He talked of his experience in outsourcing and said that expertise was needed to make a go of this, particularly because Marin is small and it could end up being a “David and Goliath” negotiating situation on Wall Street.

Bill Lindqvist, Cazadero Lane, geologist, agreed that Marin would be a small buying entity and said he was concerned about how MCE would compete and get favorable rates.

Mr. Lindqvist referenced an October 22 letter from the Town Manager concerning the different levels of green energy. He asked why “deep green” would command a higher rate.

Ms. Curran explained it meant ratepayers could pay extra to purchase 100% renewable power.

Mr. Lindqvist said that he was aware of the critical review of the plan by PG&E, but he wondered how the independent reviewer was obtained. Ms. Curran said that she made the arrangement for and on behalf of the Marin Managers’ Association.

Finally, Mr. Lindqvist handed out two charts which he said provided evidence that global warming was in decline.

Jerry Riessen, Ridge Road, asked whether “green” energy under this scenario included biomass.

He said that he had experience in developing gas-fired energy plants, however, he said that the corn to fuel formula was a disaster and that there were alternatives.

Mr. Riessen said that he had recently attended the NREL conference and that “algae” [algae-making petroleum products] was the new energy source being talked about.

The Council asked Ms. Weisz to comment on some of the questions and concerns expressed by the public.

Ms. Weisz said that the draft JPA and business plan were in fact available for review on the MCE website. She said that these and other materials were available to the public and offered her card to anyone who cared to receive them. She also noted that there were copies of webcasts of public meetings available on the website.

Weisz said the implementation plan would not be developed until the contracts were let which followed the lead of other CCAs.

The question of how the energy service providers were selected was really a bridge, according to Weisz, because the ultimate goal of MCE was to own its own assets. She said the result would be that MCE would not have to hedge and would not be dependent on [other] fuel sources.

Councilmember Gram asked for examples of assets. Ms. Weisz said that a sample scenario would be a diverse mix of solar and wind installations, along with bio-mass and geothermal production. She noted that they would not all have to be within the County.

Mr. Gram asked whether the assets would be in our [MCE] name alone or perhaps MCE would be an investor and have a third party run the plants.

Councilmember Collins said that MCE would still be in the “hedge business.”

Ms. Weisz agreed that forecasting, the next phase of the plan was critical. She said that the competition was limited now by the PUC; she said that the King's River Conservation District had told her that MCE could buy energy for less and sell it for less. Also, she said that MCE could "move faster" on deals than a larger entity and that there had been a lot of activity and interest in smaller, independent producers.

Councilmember Gram asked if MCE might be an "anchor tenant" on a specific project. Ms. Weisz said that the goal was to own the asset but that MCE could pay others to build it.

Councilmember Berger noted that investor-owned facilities were required to make a profit.

Mayor Slavitz closed the public hearing.

Vice Mayor Fredericks said that all the Council was doing in adopting the ordinance was to create a JPA to study ways to address AB 32, so she said that questions of climate change were moot. She said that the JPA would give the town more information and would also gather information regarding the risks; she said that at this point the risk to the town was minimal up until the contracts were signed.

Councilmember Berger agreed. He said that the JPA was well crafted and he liked the aspect of local control; he said that green programs were springing up all over the country and that this was a way to address the issue of energy consumption.

Councilmember Gram agreed that "you have to start somewhere," and that because the County was at the forefront there was not a track record. He said that his concern was to protect the town so that "your assets are protected." To this end, he said he was satisfied with the liability provisions of the JPA and the fact that there was a "safety net" to allow ratepayers to "get out and go back to PG&E."

Gram said he still had concerns about asset ownership, and opined that it might be better to become an investor or an initial tenant; however, he said overall there was a lot to gain from the program and not a lot to lose.

Councilmember Collins said that the public comments were excellent and that there were still issues to be addressed. He said that everyone still remembers what happened with Enron.

Collins agreed that the country needed to become independent from fossil fuel and that alternate energy sources were the way to go. In this case, if the town joined Marin Clean Energy, its residents would get a vote on energy sources while if the town did not join, they would not.

Mayor Slavitz said that he had been very skeptical of the whole concept at first; however, he said that he was now comfortable taking the first step. Whether or not the program was viable remained to be seen, however, he said that relying on past ideas and the consumption of coal and other fossil fuels was not workable; looking ahead to the future was, in the Mayor's opinion.

MOTION: To read ordinance by title only.
Moved: Berger, seconded by Fredericks
Vote: AYES: Unanimous

Mayor Slavitz read, “An Ordinance of the Town Council of the Town of Tiburon approving the Marin Energy Authority Joint Powers Agreement and authorizing the implementation of a Community Choice Aggregation Program.”

MOTION: To pass first reading of ordinance, with the addition of language in
Section 8.3 - Indemnification of Parties.
Moved: Fredericks, seconded by Berger
Vote: AYES: Berger, Collins, Fredericks, Gram, Slavitz

2. Construction Noise on Saturdays and Noise from Tree Work on Weekends and Holidays – (Director of Community Development Anderson)

- a) Consider amendment of Title IV, Chapter 13 of Town Code to prohibit or reduce work hours on Saturdays pursuant to a building permit – Introduction & first reading of ordinance;

Director of Community Development Anderson said that the issue of construction noise on Saturdays had become an increasing source of complaints by residents in recent years. While the operation of heavy equipment is not permitted on Saturdays, Anderson said that numerous instances of noisy work had been received, including but not limited to the use of tile and power saws, paint compressors, jack hammers, drills and nail guns. He said that staff had been requested to explore options for addressing this growing concern.

Anderson said that in the past, the Council had rejected adopting a “blanket” noise ordinance and had concentrated on identifying and addressing specific causes of noise through ordinances and enforcement. He said that staff’s approach to Saturday construction noise followed this line of thinking.

The Director said that a survey had been sent to local builders and contractors asking their opinion of banning construction on Saturdays. He said that staff had also done a survey of other jurisdictions to see how they addressed this question.

Anderson said that the results of the town’s mail survey had shown that 71% of contractors/builders said that banning Saturday construction would have some or no impact, while 29% said that it would have significant impact.

The Director said that banning construction on Saturday outright was one option to address the issue, doing nothing was another option, setting hours such as 12:00 – 5:00 was an option, or allowing “quiet work” was another option (which he noted had not worked well in the past).

Finally, Anderson said that the town could target “noisy equipment” but that this approach would require objective findings to be enforceable. He said that the Council had not supported the use of decibel meters in the past.

Anderson suggested that whatever approach the Council chooses be simple but enforceable.

Building Official Bloomquist addressed the question of whether banning Saturday construction would have the unintended consequence of making large projects take longer to complete. He said that of the 700 annual permits issued by the town, less than 5% of these were for jobs larger than \$300,000. He said that the town already had a provision to give one no-fee extension to projects, so for 95% of the permitted projects, not working on Saturday would not have a significant impact on the community.

Mayor Slavitz asked Chief of Police Cronin for his thoughts on the subject of enforceability. For instance, Slavitz said that the Mill Valley ordinance differentiated between residents and contractors and said that the latter were allowed to only do “quiet” work on weekends.

Chief Cronin said that he did not have an opinion as to who did the work or when, just as long as there was a clear line and objective, not debatable criteria. He said that decibel level readings were more easily enforceable.

Vice Mayor Fredericks asked staff about differentiating between work by owners and contractors. Building Official Bloomquist said that the trigger in the proposed ordinance was whether the project had a permit or not; he noted that activities such as house-painting did not require a permit. The ordinance would not differentiate between owners and contractors.

Councilmember Berger asked whether the duration of projects was an issue in the community. Director Anderson said that there was a fair amount of concern about this in various neighborhoods; however, he said that only a tiny percentage of projects take 18 months or more to complete.

Councilmember Collins asked if there were a lot of complaints. Chief Cronin said there were not and that most of these were successfully resolved.

Councilmember Collins asked about the cost of decibel meters. Chief Cronin said that they were about \$250 per unit.

Town Manager Curran said that if meters were used, there should be stated criteria to ensure that the readings were made in a consistent manner.

Vice Mayor Fredericks said that in her experience as a psychologist, she understood that the loudness of sounds at different ends of the frequency spectrum but the same decibel level was perceived differently. She said that this made even using a decibel meter problematic if the noise was perceived as “intrusive.”

Mayor Slavitz said that he received about one noise complaint via e-mail per month. He asked whether the police department was “inundated” with complaints.

Chief Cronin said that while the department was not inundated, noise was a significant issue in Tiburon. He said that it was not every weekend that a complaint was received. But he also noted that the Town Manager had called a meeting to discuss various types of noise complaints, in addition to construction noise.

Mayor Slavitz opened the public hearing.

Holly Hooker, Vistazo West, said that Saturdays were “overflow” days for many construction projects. She also asked how this would affect home improvement projects and the pursuit of crafts, such as cabinet refinishing and the like. She said that some noise made the community seem vibrant and that some people found time to complain about many things.

Vic Canby, Paradise Drive, agreed that sound and noise was always a controversial issue. He suggested that the Council get more public input on this subject and that protections be built into the ordinance (such as tree removal for health and safety purposes).

Town Manager Curran said that the current ordinance authorized the Town Manager to permit work in the event of an emergency.

Mr. Canby said that the San Anselmo ordinance had no measurable criteria and relied upon the subjective standard of “nuisance.”

Mert Lawwhill, Rock Hill Drive, said that he supported adoption of the ordinance; he said that an inconsiderate neighbor had worked on his home for the last four years on weekends only and that he needed a break.

Councilmember Gram said that no one was more aggrieved than he and described projects on either side of him over a number of years. However, Gram said that he was not in favor of adopting this ordinance because it was too “all encompassing.” He said that a lot of work could be done on Saturdays that would not be intrusive. He agreed that the Council, when it last amended the Code, had chosen not to utilize decibel meters because their use would not be fair to some property owners (as a result of geography).

Vice Mayor Fredericks said that when she built her home, she chose not to perform work on Saturdays in order to placate the neighbors. She said she was in favor of the ordinance based on staff’s recommendation.

Fredericks noted that the ordinance would be complaint driven, and therefore enforcement might not be onerous based on the (small) number of complaints. However, she said the ordinance might be honed more if it were the consensus of Council.

Councilmember Berger said that it would be difficult to ban Saturday work which amounted to 72 days over the life of a permit. He said that while he was sympathetic to the complaints about Saturday noise, he said that Saturdays were often the only day for owners to get things done. Also, he pointed out that anything less than a complete ban would be very difficult to enforce.

Berger said that perhaps the Design Review Board might raise the issue of voluntary Saturday work at their hearings. He said that while there was much to recommend the ordinance, now might not be the appropriate time to pass it.

Councilmember Collins said that “noise is noise, permit notwithstanding.” He said that staff might come back to the Council with examples of “big” noise, such as paint compressors, and possible solutions.

Councilmember Gram suggested that noisy equipment such as bulldozers, air compressors, grinders, etc. might be banned.

Councilmember Berger said that the Saturday ban might be invoked after the permit has run nine months, or something along those lines.

Berger also raised the question of construction in residential versus commercial areas. Mayor Slavitz said that in Tiburon, the areas were right next to each other. However, he agreed with Berger that a Saturday ban might be instituted after 18 months of permitted work (or some other length of time).

Mayor Slavitz said that the proposed ban had “lots of wrinkles,” and suggested that Council remand the ordinance to staff in order to find a middle ground.

Town Manager summarized the direction by stating that Council wanted staff to rethink the options and find a solution that was sufficiently encompassing, perhaps allowing some activity on Saturdays, but still enforceable. She likened it to “more of a scalpel than a hatchet.”

Item remanded to staff.

- b) Consider standardized conditions of approval on Tree Permits and Encroachment Permits to prohibit work on weekends and holidays

Director of Community Development Anderson said that noise from tree work on weekends had become an increasing source of complaints to the Town. He also said that applications for encroachment permits had increased many-fold over the past year.

Anderson said that encroachment permit work authorized a range of activities from vegetation removal to street trenching to curb cut/driveway approach work. He said that noisy equipment and construction vehicles were frequently used in this kind of work which also drove up the number of complaints.

The Director said that the simplest approach to address such complaints was to prohibit work pursuant to a tree permit or an encroachment permit on weekends and holidays. He said that no amendments would be required to the Town Code, nor was a CEQA review required. Anderson pointed out that provisions would be made for work performed in the event of an emergency, or work pre-authorized by the Town outside of normally prescribed hours. He said that such instances were rare.

Council concurred with staff's recommendation and voted unanimously to adopt it.

TOWN COUNCIL REPORTS

None.

TOWN MANAGER'S REPORT

Town Manager Curran made the following request of Council:

- Request to form ad hoc subcommittees for:
 - a) Corporation Yard Redevelopment

Councilmember Berger said that a family member worked for the architectural firm that had been selected for the project; therefore, he was not eligible to serve on this committee.

Councilmember Gram and Councilmember Collins agreed to serve.

- b) Lyford Drive Parking Area

Councilmember Collins and Councilmember Berger agreed to serve.

- c) Recreation Master Plan

Mayor Slavitz agreed to join Vice Mayor Fredericks to serve on this subcommittee.

Council concurred with the above appointments.

WEEKLY DIGESTS

- Town Council Weekly Digest – October 17, 2008
- Town Council Weekly Digest – October 24, 2008
- Town Council Weekly Digest – October 31, 2008

ADJOURNMENT

There being no further business before the Town Council of the Town of Tiburon, Mayor Slavitz adjourned the meeting at 10:05 p.m.

JEFF SLAVITZ, MAYOR

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK