

**TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF NOVEMBER 25, 2008**

Present: Breen, Freeman, Greene, House, Thornton

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY IN CLOSED SESSION

PRESENT QUALITY OF LIFE SILVER

Woody Weingarten presented The Quality of Life Silver award to Bill Abright for his dedication to San Anselmo through art.

OPEN TIME FOR PUBLIC EXPRESSION

Vasha Crane, Marin United Taxpayers, stated her objections to the project on Sir Francis Drake Blvd.

Louise Mathews, Foothill Road, stated that there is a 2009 ballot initiative for a hotel tax and asked Councilmembers to allow voters to vote in replacements if a Councilmember is unable to finish a term.

Tom Peacock, 43 Durham, expressed his appreciation for the San Rafael to Fairfax bicycle corridor noting that it was done with a minimal of funds.

Guy Meyer, San Anselmo resident, stated that specifically the Sir Francis Drake corridor was a gradual degradation of the Town's environment.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Vice Mayor Breen stated that he hopes pedestrian safety will improve due to the bicycle corridor.

Breen announced that the Economic subcommittee held a forum for small businesses surviving rough economic times and came up with great ideas. Breen stated that a follow up meeting would be held on December 14, 2008 and that the subcommittee continues to meet with associations downtown.

Breen also stated that Measure Q's results have been very positive and that work has begun on the Smart Railroad.

Breen stated that he has been working with Town Manager Debra Stutsman to open the Town Hall on January 20 to broadcast the inauguration ceremonies which begin at 9am and end at noon.

Breen finally asked staff and Council have a conversation prior to reviewing the mid-year budget to collectively plan ahead for what might be forthcoming.

Mayor Freeman reminded all that the tree lighting is December 6, at 5pm.

Mayor Freeman also reported that the Disaster Council met last week and reviewed plans for the upcoming winter, noting that the creek has been cleaned a few times and is in pretty good shape.

Mayor Freeman stated that he had received phone calls and emails from both Mayor Newsom and Representative Woolsey office to discuss municipalities receiving bailout money.

1) CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes of November 10, 2008
- (b) Acknowledge and file warrants Nos. 61939-62165 in the amount of \$1,607,566.81
- (c) Approve the Revenue and Expenditure Report for the period ending October 31, 2008
- (d) Approve Recreation Revenue and Expenditure report for the period ending October 31, 2008
- (e) Approve Emergency Projects Fund (flood related) Revenue and Expenditure report for the period ending September 30, 2007

M/s, Breen/Thornton to approve the Consent Agenda. Ayes: All

2) APPOINT MEMBERS TO THE OPEN SPACE COMMITTEE (THREE SEATS)

Town Manager Debra Stutsman presented the staff report noting that the Open Space Committee has a membership of 11 seats with 3 vacancies.

Councilmember House stated that typically the incumbents are reappointed, but wanted to note that Kay Martin was very impressive in her interview.

Councilmember Greene stated that at the Council meeting of September 23, 2008 the question about incumbents and reappointing without interviewing was brought up and asked for clarity. Mayor Freeman responded that it was decided that Planning Commissioners would be re-interviewed. Mayor Freeman stated that he had no problem with the decision to appoint the 3 incumbents.

House stated that her recollection was that it was her idea to not re-interview Planning Commissioner, but the Council stated that it wanted to continue interviewing Planning Commissioners.

Stutsman read the minutes of the September 23, 2008 meeting verbatim, noting that the minutes stated that the policy was to interview Planning Commissioners who are incumbents.

Vice Mayor Breen stated that it was noted that interviews could be held at the “call of the Council”.

Greene asked if there was a policy handbook and Stutsman answered no. Greene stated that policies and procedures should be written and clear.

M/s House/Thornton to appoint incumbents Peter Horn, Daniel Krebs and Liz Huntington to the Open Space Committee. Ayes: Breen, Freeman, House, Thornton Abstain: Greene

3) PRESENTATION BY ELISSA GIAMBASTIANI REGARDING CONTROL AND ACCOUNTABILITY FOR INDEPENDENT EXPENDENDITURE COMMITTEES (IEC's).

Elissa Giambastiani, Board of Directors, League of Women Voters and Chair, Campaign Reform Committee, stated that she wants civility to return to the local elections and that the League is focused on educating voters on how to detect bogus voting material, and create transparency. Giambastiani stated that the League has printed and mailed postcards, has a 60 second PSA on the website www.lwvmc.marin.org, met with Mark Leno and Jared Huffman to see if something can be done at the state level. Giambastiani also told the Council that the League has met with supervisors to form an ordinance, which would affect expenditures and contributions for which a public workshop will be held in January 2009.

Councilmember House stated that while the County might have it's own ordinance, the Town would have on ordinance in place. Giambastiani stated that the entire ordinance may not be fitting to the Town, but the Town could use a section of the ordinance as it would like.

Louise Mathews, Foothill Road, asked if the ordinance has been implemented in any towns or cities the size of Marin County. Giambastiani stated that it has not, as it is a relatively new program.

4) ACKNOWLEDGE AND FILE RECEIPT OF CERTIFICATE OF PETITION VERIFICATION FROM ELAINE GINNOLD, MARIN COUNTY REGISTRAR OF VOTERS FOR THE REFERENDUM PETITION FILED AGAINST THE FLOOR AREA RATIO ORDINANCE NO. 1066, AND EITHER 1) RESCIND THE ORDINANCE, OR 2) SET AN ELECTION DATE BY RESOLUTION TO SUBMIT THE ISSUE TO THE VOTERS

Town Manager Debra Stutsman presented the staff report noting the choices and election dates.

Councilmember Greene asked if the ordinance were rescinded at the Council meeting, if the full year would begin November 18, 2008 and if the referendum were to fail at an

election when the ordinance would go into effect and Town Attorney Rob Epstein stated the next day.

Vice Mayor Breen asked if the Council was satisfied that Ordinance 1066 could stand up to a legal challenge, and if the Town could be sued regarding any portion of the ordinance. Epstein stated that any party could file a suit to challenge an ordinance and also noted that he felt that the ordinance had been solidly prepared.

Susan Krebs, San Anselmo Ave, asked if the petition could be voided if it was discovered that it had not been presented honestly. Epstein stated that the law assumes that adult voters who signed were aware of the significance of what they signing. Krebs asked if anything could be done if a signor came forward and stated that they didn't understand what they were signing. Epstein noted that he didn't know of any legal recourse.

Stephanie Roth, urged the Council not to rescind the ordinance and stated that taxpayers must bear the burden of the election. Roth urged the Council to place the referendum on the General Election ballot.

Jonathan Braun, Scenic Ave., stated that preparation of the ordinance was very inclusive and that staff put in a tremendous amount of research time. Braun stated that there were some deceptive procedures used in obtaining the signatures and asked the proponents to withdraw the petition. Braun suggested going forward with the general election.

Louise Mathews, Foothill Road, stated that she signed the referendum and loves the process of referendum. Mathews said that she would like the ordinance rescinded.

Phillip, Longview Avenue, stated that he signed the petition, but felt enough concern in the community that the ordinance be held to a vote.

Kay Coleman, Agatha Court, stated that the best thing about the Town is the changes and the new young people moving in. Coleman stated that there are people who feel as if they haven't been heard.

Gary Millar, San Anselmo Avenue, stated that he felt the process was snubbed by the referendum. Millar stated that he doesn't believe the ordinance should be rescinded and favored going to vote in the general election.

Jeff Kroot, Crescent Road, stated that he sees many benefits in giving the FAR a rest until next year, and stated that a great majority in San Anselmo do not want the ordinance. Kroot stated that he received over 1100 signatures in two weekends. Kroot noted 75% of the Town thought the FAR ordinance was bad, 22% stated they had no idea, and 5% supported the FAR. Kroot stated that rescinding the ordinance would give the issue a chance to cool off and stated that a Town election would be very expensive. Kroot urged the Council to rescind the ordinance and work on a workable ordinance next year.

Gay Kagy, Redwood Road, stated that some folks who signed the petition were misled.

Paul Chignall, Town resident, stated that he has supported many issues in town and has some knowledge of what the people in the neighborhoods think. Chignall stated that he advised the Council that the ordinance was flawed and that he worked to secure the referendum and urged the Council to rescind the ordinance or place it on the November 2009 ballot. Kroot noted that he supports a FAR, but not the proposed one.

Steven Woolrich, 10 Foss, stated that it was to manipulate the public opinion and that the referendum process is taking advantage of the Town.

Casey Mizzoni, Marin Builders Association, urged the Council to rescind the ordinance.

Eileen Burke, Town resident since 1961, stated that she cares about the community and was part of the group that gathered signatures for the referendum. Burke stated that she doesn't believe the Town should pass an ordinance that sets out a cookie cutter approach on how to build.

Ted Janko, San Rafael Avenue, stated that he voted for the referendum, and that huge houses don't pay.

James Josephs, Laurel Avenue, stated that he supports a fair and reasonable FAR, and that the proposed FAR is not fair or reasonable. Josephs stated that he gathered 177 signatures for the referendum.

Danny Krebs, San Rafael Avenue, Planning Commissioner, stated that a FAR is long needed and that it has taken too long to have it passed. Krebs stated that there were a number of exceptions for additional square footage and that it is selfish for people to build homes that are too big for lots that will cause ill will in the neighborhoods. Krebs stated that it was critical for the Town Council to show support in spite of threats of an election and lawsuit.

Monica Rizzo, San Rafael, stated that she appreciates the work done by the Council and staff, but feels they made a mistake.

Stutsman stated the November 2009 election will cost \$12-16k whether the referendum is on the ballot or not.

Barbara Stewart, 18 Foss, stated that the flatlands is the only unprotected area in the Town and that without an FAR the houses on the San Anselmo side could be three times as large as the homes on the Ross side. Stewart commended the Planning Commission and Town Council for their work on the FAR and stated that it was extremely sad that the Town is the one area in Marin County that does not have a FAR.

Carl Basor, Foss Avenue, stated that he supports the FAR as presented.

Tom McInerney stated that he supports putting the referendum on the November ballot.

Dan Harris, San Francisco Blvd., Planning Commissioner, stated that the FAR is complicated and recommended that the ordinance not be rescinded.

John Gerton, Avenue del Norte, stated that he supports putting the referendum on the November election.

Tom Schnitzer, Foss Avenue, stated that he doesn't remember the signature gatherers for the referendum coming to his street and that his home is in jeopardy due to large house built next door. Schnitzer stated that a ordinance is needed.

Sharon Luce, Alameda Avenue, stated that she helped collect signatures and is not opposed to FAR. Luce stated that the current FAR has flaws and that she would like to see it rescinded.

Kathryn Gant Bradley, Durham Road, stated that she supports the election and that other towns have a FAR.

RK Stewart, Foss Avenue, encouraged the Council to put the issue on the November ballot and said that the misinformation is staggering.

Marty Zwick, Planning Commissioner, stated that the divisive nature is very sad and that there are lots of good examples of what can happen without a FAR. Zwick stated that if analyzed with an open mind, the tools of the Planning Commission do not protect the greater good.

Phil Kazan noted that he didn't realize it was an adversarial situation and after hearing some speakers will work against the referendum.

Louise Mathews, Foothill Road, stated that if there are no issues on the November ballot, there would be a cost to add the FAR to the ballot.

Councilmember House stated that she agreed with a lot of the public comment and said that the Planning Commission does not have the needed tools to restrict the size of homes. House also said that parts of the FAR meetings were spent educating the Town Council and the audience and that there was an open workshop between the public and the Town Council to explain FAR. House stated that it was puzzling that a petition could be passed and signatures gathered so quickly. House stated that she was leaning toward having the FAR voted on in the November election.

Vice Mayor Breen stated that reasonable people can disagree but shouldn't drag each other through the mud and that the Council was in an extremely difficult position. Breen also said that the two process brought satisfaction to some and dissatisfaction to others. Breen also stated that Kroot and Chignall stated that the FAR could be an item for the referendum. Breen further stated that during the FAR subcommittee meetings of which Kroot was a member, after a report was brought back to the Council, there was only one

matter that needed to be discussed and Breen stated that he would bring up the issue immediately after the FAR was passed, but Kroot began the referendum process. Breen stated that he agreed that the November election is the best time to address the FAR and that the Council would not be intimidated, bullied, pushed or threatened with the referendum.

Councilmember Thornton thanked everyone for speaking tonight and stated that she participated in the process from early on. Thornton stated that she thinks the surrounding neighbors of houses being built are just as important as the landowners building big houses and also said that she hadn't seen the petition. Thornton said that all committees worked very hard to understand FAR, the process and the impact and that the FAR issue is an area where there is a lot of disagreement. Thornton said that what she thinks is most important is that everyone has the information in a way they can understand. Thornton stated that at this point she believes there was tremendous public process, and that people in the community have and did participate. Thornton said that she doesn't think the ordinance should be rescinded, but that putting it on the ballot is the right thing to do, along with educating citizens. Thornton further said that it will be a tremendous effort to get the facts out and that it would have to be on a one-on-one basis. Finally, Thornton said that she has really looked at the facts and feels strongly that people may not have the information. Thornton said that she supports putting the issue up for election ballot in November.

Councilmember Greene stated that the issue was a big deal and that he'd read the petition and flyer that was circulated. Greene noted that he spent hours with Kroot learning about FAR and that the values that FAR seek to protect are very important. Greene stated that he was on the FAR subcommittee and sought to forge a consensus. Greene said that he doesn't think that homeowners should be unreasonably restricted and stated that the subcommittee was advised to keep the FAR rule simple. Greene stated that basements and attics were left out and that a lot of Kroots' ideas were adopted. Greene also said that while the issue is very divisive it must be dealt with and that there were a ton of meetings that people could have participated in if they had wanted to. Greene further said that he thinks the community needs to deal with the issue next November and that he believes if the FAR was rescinded, the Town would be in the same position next year. Finally Greene stated that people need to become educated and make a decision about the nature of the community.

Mayor Freeman stated that he felt the ordinance was good enough, reviewed for a long time and sent back twice to the subcommittee to work out differences. Freeman stated that there was strong feeling to adopt the FAR and that there is a limit to how big of a house can be built on any size lot. Freeman stated that the FAR was an opportunity to educate the public, as it is a very complex issue. Freeman said that he thinks with some education, some who signed the petition might change their minds. Finally, Freeman said that a petition is a one-sided way of doing thing and that he is not intimidated by threats that have been made.

M/s, House/Greene and passed to put Floor Area Ratio Ordinance 1066 on the November 2009 ballot. Ayes: All

5) INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING THE SAN ANSELMO MUNICIPAL CODE, TITLE 10, TABLE 4B, MINOR INTRUSIONS INTO DEVELOPMENT SETBACKS AND MINOR EXCEPTIONS; ENVIRONMENTAL REVIEW (NEGATIVE DECLARATION)

M/s, Greene/House to continue to the January 13, 2008 meeting. Ayes: All

6) CONSIDER REQUEST OF THE SOUTHERN SAN ANSELMO AVENUE VISION GROUP TO 1) SUPPORT THE PROCESS, 2) PROVIDE PUBLIC NOTICE OF MEETINGS, 3) DIRECT ECONOMIC SUBCOMMITTEE TO WORK WITH THE GROUP AND 4) CONDUCT PLANNING COMMISSION STUDY SESSION

Town Manager Debra Stutsman presented the staff report. Councilmember Greene asked what active role staff would need to take and Stutsman stated that the role would be very similar to the one taken by staff in the downtown workshops the FAR workshops. Stutsman said that if the Town is publicizing the meetings, the Town would need to be involved, which includes attending all meetings and taking an active role.

Vice Mayor Breen asked about the vacant Senior Planner position, and Stutsman stated that the Town is still recruiting. Breen stated that it seems the volunteer group has done most of the work and that the Town's responsibilities would be more involved as the plan does or doesn't evolve. Stutsman stated that staff members are working at full speed and can handle the additional work, but that the Council needs to set priorities. Breen stated that the meetings he's been to have been very conceptual.

Cathy Carly, Fawn Drive, Vision Committee Member, stated that the committee has been meeting every other Monday since January. Carly stated that there is a wealth of expertise and knowledge in the group and that the group has been meeting with outside experts. Carly estimated that the group has spent 1200-1500 hours on the project and is interested in the Town becoming economically viable.

Scott Couture, Allan Avenue, stated that the committee is not asking the Town to dedicate staff time and finances, as it is aware of the limited resources the Town has available. Couture stated that one of the goals of the committee is to find additional ways that the Town can increase revenue and that it would be helpful to work alongside the Economic Subcommittee.

Vasha Crane, Marin United Taxpayers Association, stated that organizations are objecting to the massive project that will affect the towns of Ross and Kentfield by tying up traffic. Crane recommended having a public vote for the project.

John Merton, stated that he'd heard about the committee forming and was intrigued with the idea of making it better. Merton stated that individually each property owner has very limited opportunities to explore bettering the community and that the idea is very exciting. Merton encouraged the Council to support the process.

Connie Rodgers, San Anselmo Chamber of Commerce, stated that she had been a part of the committee since it's inception. Rodgers stated that the committee is looking to maintain the charm of the Town and that the Chamber is involved because it is the right thing to do for San Anselmo. Rogers stated that the idea is to use the Town as a vehicle to get the word out and that the Committee is asking for support to keep the process going.

Lisa Roth, Woodland Avenue, stated that she got involved for the Town's social, environmental and financial health.

Yohan Anderson, Quality of Life Commission, stated that the plan is like a charming village and said that merchants are tremendously supportive when they understand the whole project.

Kelly Warner, Crescent Road, stated that she went to a presentation and wrote letters to the Council. Warner stated that she's thrilled about the public workshops and that the Town should support the process.

Jeff Adams, San Rafael resident, asked the Council to support the process.

Michael Rex, Sais Avenue, stated that he went to workshops and was delighted at the spirit. Rex also said that he felt the Town needed to get involved and that the committee is not asking for Town staff.

Stephanie Roth, Woodland Avenue, stated that she has attended the meetings and appreciates the committee making time to work with the residents and merchants. Roth urged the Town to support the Committees request.

Nathan Johnson, Greenbelt Alliance, asked the Council to support the process and consider getting involved. Johnson stated that he thinks the ideas fit in with the terms of land use and that supporting the process address AB 32 and SB 375.

Guy Meyer, San Anselmo, stated that he objects to creating urban density in San Anselmo.

Ted Postumma, Oak Avenue, stated that he has been involved more in the community this year, and that the group is asking for support so they're not wasting their time.

Louise Mathews, Foothill Road, stated that minutes from a March Town Council meeting reflect that the meetings would be publicly noticed and asked about bond money for the project.

Peter Monahan, stated that he thinks the intent to upgrade lower San Anselmo Avenue is commendable, but that the community needs to be made aware of the ideas. Monahan stated that it seems that the designs are wildly beyond what was initially agreed to at the workshops

Michael Maravich, Barber Avenue, stated that he has been an active participant in the process, which has been respectful and inclusive.

Kathryn Gant Bradley, Durham Road, said that she thinks the Town's need to be involved is on target.

Joey Edelman, Bolinas avenue, said that he has yet to see any plan that looks realistic.

Breen stated that there is so much misinformation available and that there are no special privileges being given and that no one is making a lot of money. Breen suggested building a Town calendar to have more public participation and said he believes the Town can figure out a way to do the public notice. Breen noted that the Economic Subcommittee is sincerely interested in the project and that group is very open and very positive. Breen also said that he would like to see alternatives prior to looking at the project from a planning perspective and that he could support all four requests.

Councilmember House asked staff if something could be posted on the Town website with a disclaimer and Town Attorney Rob Epstein replied that that sort of action is prevented by the First Amendment. Epstein stated that the Committee could act under the Brown Act and publish and post agendas like all other meetings.

House said that she thought it incredible that a group of citizens have spent time, energy and effort on something that they think is positive for the community. House also said that it would be helpful to have meetings noticed as much as possible, and that she would not support Town staff being involved until June, as there are other issues that need to be focused on. House stated that she thinks the outreach is great and that she would be willing to be part of any additional meetings.

Councilmember Thornton said that she feels that Town staff not being involved is appropriate because of Town resources and the need to prioritize those resources. Thornton said that the Town has put a lot of business on hold while dealing with the flood and has just begun working on building, planning and green building codes that have been put on hold for 2 ½ years. Thornton stated that the Town has to commit to something that it has the resources to manage and when the Town is involved the rigor is much greater than a citizen group that is working on its own.

Epstein stated that the issue isn't only the keeping of minutes, but also the confirming that the law is followed.

Councilmember Greene stated providing the guise of local government approval is not right, and that it would be a private interest getting a special privilege. Greene also said that the goal is not to be a promoter of private projects prior to the application of the project being filed. Greene also said that adding additional workload to the staff would displace what they're currently working on. Greene further noted that the co-chair of the group stated that the group is willing to do the planning work.

House asked who was being paid in relation to the project and Michael Rex stated that his firm has the contract with Tim Mueller to develop Play Date and the Post Office.

House stated that she doesn't see this as circumventing what normal governmental oversight procedure would be and noted eventually she would want the Town staff to be involved.

Breen stated that at the current time there is no project, only a vision and that he is really reluctant to see the Town look at the group as if it is getting a special privilege. Breen stated that he would like to see the visioning process go away in six months and that too much is being made out of it.

Mayor Freeman said that the Town needs some way to show the visioning group that they are not alone, and although there is no product yet, the Town believes that the process is a reasonable one. Freeman stated that he supports the idea that the Town somehow show support for the project.

Breen asked about he and House meeting with the group and bringing information back to the Council.

Greene stated he has a problem with public groups giving support to private endeavors and that if the Council does something for one group it would have to do the same for other groups.

Freeman said that he would like to figure out a way to say that the Council would like the group to continue working on ideas and that it appears the Council cannot grant the four requests.

Thornton stated that the committee is doing a lot of excellent work and creative and integrated thinking. Thornton also said that she believes this was not the mandate that came out of the public workshops and that she doesn't believe it has been put on the Council or Town's agenda as a priority.

Epstein stated that there are other citizens in the community who are working on other things that they are interested in and are regularly commended on their good works by the Quality of Life Commission, which is a means available to let people know about the work that's being performed in the community.

House suggested that the request be denied and said that any Councilmember who chooses to go to the meeting, may do so.

M/s, House/Greene to deny the request. Ayes: Greene, Freeman, House, Thornton
Opposed: Breen

Epstein cautioned that members be aware of the rules of the Brown Act when attending the meetings as the Economic Sub-Committee has become a standing committee of the Council, so Breen and Greene should not attend the same meeting.

7) APPROVE RESOLUTION REGARDING EARTHQUAKE RETROFIT PROGRAM USING THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) EARTHQUAKE SEISMIC RETROFIT PLANS FOR FOUNDATION AND CRIPPLE WALL WORK FOR SAN ANSELMO RESIDENTIAL PROPERTY OWNERS.

Building and Planning Director Lisa Wight presented the staff report noting that staff was directed to return with more information about possible permit fee reductions, noting that the Town would waive permit fees for voluntary residential retrofitting where it is not required due to other site construction.

Louise Mathews, Foothill Road, stated that she had some concerns about the suggestion that other permit fees be increased in the Town. Mathews asked if road impact fees would be waived.

Kathryn Gant Bradley, stated her support for the resolution.

Mayor Freeman said that he had some reservation about waiving fees and suggested waiving 50% of the fees.

Councilmember Greene said that he doesn't feel the Town should waive any fees.

Councilmember Thornton stated that she wondered if waiving 50% of the fees would be relevant to the work. Building and Planning Director Lisa Wight stated that the plan check wouldn't take as long as other projects.

Vice Mayor Breen asked if there was insurance savings for the homeowner and Stutsman answered that she didn't think so. Wight noted possibly for earthquake insurance.

House stated that if the rest of the Council felt strongly that fees shouldn't be waived, she would go along with the Council.

M/s, Thornton/House to approve the resolution without reducing permit fees. Ayes: All

8) APPROVAL AND SECOND READING OF ORDINANCE APPROVING THE MARIN ENERGY AUTHORITY JOINT POWERS AGREEMENT AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM.

Town Manager Debra Stutsman presented the staff report noting that the Council introduced the ordinance at the meeting of Monday, November 10, 2008 stating that the recommendation is that the Council waive reading and approve the ordinance approving the Marin Energy Authority Joint Powers Agreement and authorizing the implementation of a Community Choice Aggregation Program.

Joe Nation, PG&E Representative, stated that he understood that he was late and asked the Council to continue the item until they were able to review his good faith proposal. Nation stated that he was the principle co-author of AB 32 and has spent time finding ways to reduce greenhouse emissions. Nation further stated that if reasonable assumptions are made about the PG&E plan, at the end of the 12-year period; the PG&E/Marin partnership would reduce greenhouse gas emission by 102,000 tons. Nation stated that PG&E has signed new contracts with San Luis Obispo for renewables, and that there is no county or city debt or liability exposure. Nation noted that Berkeley and Oakland have recommended that they not move forward due to the liability risk to the city. Nation stated that PG&E/Marin plan would allow customers to make their own choices, whereas with the Marin Clean Energy Plan customers would be automatically enrolled. Finally, Nation stated that the prize is greenhouse gas emission in the county, state and on the planet.

Councilmember House recommended that the Council continue the item, and have PG&E return for a full presentation.

Councilmember Greene said that PG&E has been acutely aware from the outset and asked why they were so late to the game. Nation stated that he had only been working on the project for four months, and that he thinks that the nature of those in the utility business is conservative and don't want to commit unless able to deliver. Nation stated that PG&E is a very deliberate company, and is sometimes a little slow.

Breen asked what the reaction was from San Rafael, Nation stated that he received good questions from Councilmembers, which were mostly about financial and potential political risk.

M/s, Greene/House to continue the item to December 9, 2008 meeting in order to receive a full presentation by PG&E. Ayes: All

Breen stated that he was present at the Board of Supervisors meeting when Nation presented and it was pretty clear that the Board did not want to entertain the idea. Breen stated more information would be good.

Greene stated that he had a problem with PG&E coming to the table so late and feels offended, as PG&E had notice of the project. Greene also stated that there was no need to rush and asked if there was a timeline in terms of the JPA gathering its constituent members.

Thornton noted that the plan was to have the cities approve the ordinances establishing the JPA by the end of December. Thornton also said that in regards to the PG&E presentation, she doesn't know that it addresses all the things that Marin Clean Energy was looking for and that she felt that PG&E could still respond when the JPA goes out to see what is available regarding renewable clean energy.

Nation noted that the difficulty that PG&E would be negotiating as themselves throughout the entire process.

Epstein stated that Articles 2 and 2.2 of the proposed Joint Powers Agreement and 2.2 with the assumption that two groups will adopt the agreement, uses the term Initial Participants, which includes all the cities invited to join in. Upon two parties passing the second reading of the ordinance initiate a 180 day clock in which any, other and all other all entities can join. Epstein corrected that it is actually 210 days.

Greene noted that he is conservative in nature and doesn't feel continuing the item to the next meeting would lose anything.

Stutsman stated that Connie Rodgers left printed comments to be read that stated concern about the cost. Rodgers also said that she felt the issue deserved to be put to a public vote and that she didn't like the opt-out clause. Rodgers also said that she felt the legislation should be changed and that Berkeley and Oakland are not joining.

9) ESTABLISH A FIVE-MEMBER HOUSING ELEMENT SUBCOMMITTEE TO WORK WITH THE PLANNING & BUILDING DIRECTOR ON MANDATED UPDATES TO THE TOWN'S HOUSING ELEMENT AND APPOINT TWO COUNCILMEMBERS TO SERVE ON THE SUBCOMMITTEE.

Building and Planning Director Lisa Wight presented the staff report stating that Housing Element of the General Plan update is due June 30, 2009.

Councilmember House and Mayor Freeman both stated that they would be willing to join the subcommittee.

Wight stated that she could find community members to join as well.

M/s, Breen/Greene to appoint House and Freeman to the Housing Element Subcommittee. Ayes: All

10) ADJOURN

M/s, House/Green to adjourn the meeting at 12:30am.

Respectfully submitted,

La Shaun Williams