

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, FEBRUARY 13, 2007, AT 10:03 A.M.

Roll Call

Present: Supervisor Arnold; Supervisor Brown; Supervisor Adams; Supervisor McGlashan

Absent: Supervisor Kinsey

7. SUPERVISOR ARNOLD REQUESTING RESOLUTION CONGRATULATING THE NOVATO HIGH SCHOOL "HORNETS" FOOTBALL TEAM ON THEIR CHAMPIONSHIP VICTORY

M/s Supervisor Arnold - Supervisor Adams to adopt resolution congratulating the Novato High School Football Team.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

Supervisor Arnold read and presented resolutions to Coach Travis Brackett and to several members of the football team who were present. Supervisor Adams also acknowledged Novato Unified School Board Trustees Jennifer Treppa and Derek Knell.

Coach Brackett thanked the Board of Supervisors on behalf of the team.

1. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor Arnold to approve the minutes of the meeting of January 23, 2007.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

2. BOARD OF SUPERVISORS' MATTERS

Marin County-wide Meeting

Supervisor Adams reported on the meeting held last night in the San Rafael City Council Chambers, sponsored by the Association of Bay Area Governments ("ABAG"), the Metropolitan Transportation Commission ("MTC") and the Bay Area Air Quality Management District ("BAAQMD"), to discuss development and conservation priorities for the San Francisco Bay Area and funding opportunities through the regional "Focusing Our Vision" Initiative.

Staff Acknowledgement

Supervisor Arnold reported that she had received a letter from a member of the public who attended a recent event at the Marin Center and praised Stage Technician Dick Tipping for providing her assistance in an emergency.

Supervisor Brown echoed Supervisor Arnold's comments regarding Dick Tipping's service to the community.

Ross Valley Watershed Flood Control Meeting

Supervisor Brown reported on the well-attended Flood Control meeting held last Saturday and acknowledged Public Works Director Farhad Mansourian, Assistant Engineer Jack Curley, Senior Civil Engineer Tracy Clay and Principal Planner Liz Lewis for their invaluable assistance.

3. ADMINISTRATOR'S REPORT

Agenda Modification - Urgency Item

County Administrator Matthew Hymel advised that County Counsel has requested that an additional closed session item be added to the agenda for a conference with legal counsel regarding anticipated litigation.

M/s Supervisor Adams - Supervisor Arnold to determine that the need to take action arose subsequent to the agenda being posted and to add an additional closed session item to the agenda for a conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(b)(1). Number of potential cases: One (1).

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

Agenda Modification - Urgency Item

Mr. Hymel advised that the Auditor-Controller has requested than an additional item be added to the agenda regarding a request to adopt a resolution authorizing temporary transfer of funds to the Marin City Community Service District ("CSD").

M/s Supervisor Adams - Supervisor Arnold on behalf of Supervisor McGlashan, to determine that the need to take action arose subsequent to the agenda being posted and to add an item to Consent Calendar A to adopt a resolution authorizing temporary transfer of funds, in an amount not to exceed \$400,000, to the Marin City CSD for meeting obligations incurred for maintenance purposes for FY 2006-07.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

4. OPEN TIME

No member of the public was present to address the Board.

5. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-8)

("CONSENT CALENDAR A" REFLECTS THOSE AGENDA ITEMS THAT HAVE PRIOR POLICY APPROVAL FROM THE BOARD AND DO NOT EXCEED \$500,000 IN COST)

M/s Supervisor Adams - Supervisor Arnold to approve Consent Calendar A, with Item CA-1c added as an urgency item.

CA-1. Auditor-Controller

- a. Request to (i) give preliminary approval of the appropriations limit applicable to the 2006-07 tax proceeds in accordance with Article XIII-B of the State Constitution (Proposition 4 Gann Initiative); and (ii) set March 13, 2007, for the adoption of a resolution determining the 2006-07 appropriations of tax proceeds for the County of Marin's Special Districts not included in previous actions.

- b. Authorize President to execute agreements with the following Special Districts designated as SAP Enterprise Resource Planning ("ERP") subsidiary users: In Home Supportive Services ("IHSS") Public Authority of Marin, Marin Automated Resources and Information Network ("MARINet"), Marin City Community Services District, Marin County Law Library, Marin Emergency Radio Authority ("MERA"), Marin First 5 - Children and Families Commission, Marin General Services Authority, Marin Local Agency Formation Commission ("LAFCO"), Marin Map, Marin Telecommunications Agency ("MTA"), Marinwood Community Service District, Novato Fire Protection District, Novato Unified School District; and Transportation Authority of Marin ("TAM").
- c. Request to adopt Resolution No. 2007-18 authorizing temporary transfer of funds, in an amount not to exceed \$400,000, to the Marin City Community Service District for meeting obligations incurred for maintenance purposes for FY 2006-07.

CA-2. Community Development Agency

- a. Authorize President to execute amendment to Community Development Block Grant ("CDBG") agreement with Senior Access, increasing the contract amount by \$20,976 for a total contract amount of \$44,733, for senior day care scholarships.
- b. Authorize President to execute amendment to the Community Development Block Grant ("CDBG") agreement with Centerforce, increasing the amount of the contract by \$10,000 for a total contract amount of \$177,896, to rehabilitate the roof at 2 Main Street, San Quentin.
- c. Authorize President to execute amendment to Community Development Block Grant ("CDBG") agreement with The Cedars of Marin, increasing the amount of the contract by \$35,440.92 for a total contract amount of \$92,446, for architectural and planning costs.

CA-3. County Counsel

- a. Adopt Resolution No. 2007-19 reaffirming, readopting and ratifying actions and proceedings of the Board of Supervisors during the 2006 calendar year.
- b. Request to approve the addition of 0.25 FTE Legal Secretary II-Confidential, effective February 25, 2007, to assist with significant workload increases.

CA-4. Cultural Services

Authorize President to execute one-year extension of existing agreement (May 1, 2007, through April 30, 2008) with the Marin County Farmers' Market, in the amount of \$50,325, for holding their Farmers' Market.

CA-5. District Attorney

Request to adopt Resolution No. 2007-20 in support of the District Attorney's application to the State Office of Emergency Services ("OES") for continuation of the Victim Witness Assistance Program and authorizing the District Attorney to execute, on behalf of the County, the grant award agreement and any extensions or amendments thereof.

CA-6. Health and Human Services

Authorize President to execute FY 2006-07 amendment to agreement with True To Life Children's Services, increasing the contract by \$45,719 for a total amount not to exceed \$66,000, for outpatient mental health services to seriously emotionally disturbed children.

CA-7. Information Services and Technology

Authorize President to execute amendment to the agreement with Marin IT, increasing the contract by \$60,000 for a total amount of \$120,000, to provide detailed network design and implementation services.

CA-8. Public Works

Authorize President to execute first amendment to the tidelands lease agreement with Martha D. Lyddon, owner of adjacent property at 97 West Shore Road, Belvedere, for private pier purposes

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

6. CONSENT CALENDAR B (ITEM CB-1)

("CONSENT CALENDAR B" REFLECTS THOSE AGENDA ITEMS REQUIRING FOUR AFFIRMATIVE VOTES RELATING TO BUDGETARY MATTERS)

M/s Supervisor Adams - Supervisor Arnold to approve Consent Calendar B.

CB-1. Community Development Agency: Request from the Community Development Agency to (a) to authorize Chief Environmental Health Services to execute grant agreement with the California Department of Health Services, accepting grant in the amount of \$25,000, to conduct beach water quality monitoring; and (b) approve related budget actions as detailed in staff report dated February 13, 2007. (Four affirmative votes required) Marin County BOS Agenda 2 2/13/2007

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

8. REQUEST TO ADOPT RESOLUTION COMMENDING RICK FRAITES FOR HIS YEARS OF SERVICE AS A PARKS AND OPEN SPACE COMMISSIONER

M/s Supervisor Adams - Supervisor Brown to adopt resolution commending Rick Fraites.

Supervisor Adams read and presented the resolution to Rick Fraites, who thanked the Board and Parks and Open Space staff.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

Parks and Open Space Director Sharon McNamee, Assistant General Manager Ron Miska and Board members acknowledged Mr. Fraites for his outstanding service to the community.

9. REQUEST FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADULT SOCIAL SERVICES DIVISION, TO RECEIVE THE 2005-2006 IN-HOME SUPPORTIVE SERVICES ("IHSS") PUBLIC AUTHORITY OF MARIN ANNUAL REPORT

By letter dated February 13, 2007, IHSS Public Authority Executive Director John Stansbury, Governing Board Chair Herb Meyer and Outreach Committee Chair Aneice Taylor submitted their report.

Governing Board Chair Herb Meyer presented a brief history of the Public Authority.

Executive Director John Stansbury summarized the Annual Report, commented on the successes of the IHSS program in Marin County, and spoke about impacts of this year's proposed state budget.

Outreach Committee Chair Aneice Taylor spoke regarding the vital contribution of the IHSS program and thanked the Board for their support of the Backup Provider Program, which provides short-term emergency IHSS services in the event an IHSS provider is unavailable to take care of his or her client.

10. APPOINTMENTS

a. Child Care Commission

Scheduled appointment for March 13, 2007, for one vacancy representing Public Agencies to be nominated by the Marin County Superintendent of Schools due to the resignation of Raquel Puente.

b. Cultural Services Commission

One term expiration representing District 1. Applications have been received from Ed Baquerizo and Al Boro.

M/s Supervisor Adams - Supervisor Arnold to appoint Al Boro.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

c. Disaster Council

One vacancy representing the Marin Council of Mayors and Councilmembers ("MCCMC").

M/s Supervisor Brown - Supervisor Adams to appoint Susan Brandborg as representative of the Marin County Council of Mayors and Councilmembers ("MCCMC").

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

d. Integrated Pest Management ("IPM") Commission

Three term expirations: one At-Large seat nominated by the District 2 Supervisor, one At-Large seat nominated by the District 4 Supervisor, and one At-Large seat nominated by the District 5 Supervisor.

M/s Supervisor Brown - Supervisor Arnold to appoint Kathy Lowrey as the District 2 At-Large representative.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

M/s Supervisor Arnold - Supervisor Adams to appoint Matthew McCarron as the District 5 At-Large representative.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

The District 4 At-Large appointment was continued to February 20, 2007.

e. Mental Health Board

i. Scheduled appointment for March 20, 2007, for one vacancy representing Consumers due to the resignation of Susan Kruppa.

ii. One vacancy representing the Public Interest.

M/s Supervisor Adams - Supervisor Brown on behalf of Supervisor McGlashan, to appoint Molly Light to the Mental Health Board as a Public Interest representative.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

f. Workforce Investment Board

Scheduled appointment for March 13, 2007, for one vacancy representing Business due to the resignation of Chuck O'Daniel.

11. REQUEST TO CONTINUE PUBLIC HEARING FOR CONSIDERATION OF THE BINFORD ROAD SELF-STORAGE FACILITY DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, GENERAL PLAN AMENDMENT, REZONING, MASTER PLAN, TENTATIVE MAP AND TIDELANDS PERMIT

M/s Supervisor Brown - Supervisor Arnold to continue the public hearing for the Binford Road self-storage facility Draft Mitigated Negative Declaration of Environmental Impact, General Plan Amendment, Rezoning, Master Plan, Tentative Map and Tidelands Permit, 8190 Binford Road, Novato (APN 125-190-21, -65 and -66), to March 27, 2007.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

The Board convened as the Marin County Open Space Board of Directors at 11:16 a.m. and reconvened as the Board of Supervisors at 11:29 a.m.

12. HEARING: MORAN APPEAL OF THE MARIN COUNTY PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE MORAN DESIGN REVIEW AMENDMENT FOR THE MORAN RESIDENCE

By letter dated February 13, 2007, Community Development Agency Assistant Director Brian Crawford and Planner Neal Osborne submitted their report and recommendations regarding the above-captioned matter. Mr. Crawford introduced the item and presented a brief overview of the appeal.

Mr. Osborne gave a brief description of the Moran project and the Sierra Club Appeal regarding the fence span across the creek. Mr. Osborne advised that the Sierra Club had requested a withdrawal of their appeal at the Planning Commission hearing and further advised that the appeal was not withdrawn because public notices had been published for the hearing. Mr. Osborne reported that Richard Moran had filed an appeal of the Planning Commission's decision to approve the Moran Design Review Amendment with modified conditions of approval, asserting that the Planning Commission had no jurisdiction to consider or make a decision on the appeal or other project components.

Mr. Osborne completed his report and advised that staff is recommending that the Board deny the Moran Appeal and sustain the Planning Commission's conditional approval of the Moran Design Review Amendment or alternatively, approve a resolution that sustains the Moran Appeal, in part, and sustains, in part, the Planning Commission's action.

In response to a question from Supervisor Brown, Mr. Crawford stated that the fence span across the creek has been removed and further stated that the alternative resolution includes several new requirements for the project.

Appellant Richard Moran addressed the Board and briefly commented on his proposed plan modifications.

The hearing was declared open to receive public comment.

A neighbor addressed the Board to speak in favor of the project.

Sierra Club representative Gordon Bennett briefly commented on impacts of building on creeks and acknowledged the Planning Commission and Supervisor Brown for requiring the fence span across the creek to be removed.

Several neighbors thanked the Planning Commission for their concerns about ecology; acknowledged Supervisor Brown for his work on the Moran project; and expressed concern regarding several issues including encroachment on the stream conservation area, the exterior trim color, the height of fences, covering the skylights until such time as the landscape screen matures, and reducing the size of the concrete pad and replacing it with pervious grassy pavers.

Appellant Karen Moran addressed the Board to confirm that they have removed the fence span across the creek and briefly commented on several proposed modifications. Ms. Moran submitted four letters from neighbors in support of the project.

Seeing no one else present to speak, the hearing was closed.

Board members and staff continued to briefly discuss several issues regarding the Moran Design Review Amendment and staff indicated their preference for not allowing additional structures around the modified pad area.

Supervisor Brown recommended approval of the alternative resolution and requested that before commencement of any work and issuance of a building permit, the applicant should submit a complete set of revised plans containing all approved project components and exterior trim color samples for review and approval by the Community Development Agency Planning Division staff.

M/s Supervisor Brown - Supervisor Arnold to adopt Resolution No. 2007-21 to sustain the Moran Appeal, in part, and to sustain, in part, the Marin County Planning Commission's action by denying in part and approving in part, the Moran Design Review Amendment (DM 06-32) 21 N. Ridgewood Road, Kentfield.

Vote: Motion carried 4-0

AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams.

ABSENT: Supervisor Kinsey

The Board recessed at 11:30 a.m. to meet in closed session.

14. CLOSED SESSION

The Board met in closed session at 12:00 p.m. to discuss the following:

- a. Conference with Legal Counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: County of Santa Clara v. Atlantic Richfield Company, et al., Santa Clara County Superior Court No. CV 788657.
- b. Conference with Legal Counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: County of Marin v. Martha Co.
- c. Conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(b)(1). Number of potential cases: One (1).

The Board reconvened in open session at 1:08 p.m. Supervisor Kinsey was absent.

The President Pro-Tem reported that the Board met in closed session and advised that, based upon the technical requirements of the lawsuit *County of Santa Clara v. Atlantic Richfield Company, et al.*, which require a local District Attorney's approval, the County of Marin will not be joining the lawsuit at this time because there is no approval from the Marin County District Attorney.

The Board adjourned the meeting at 1:09 p.m.

SINE DIE

PRESIDENT

ATTEST:

CLERK