

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JULY 10, 2007, AT 10:06 A.M.

The Board met as the Marin County Flood Control and Water Conservation District Board of Supervisors at 9:08 a.m. and convened as the Board of Supervisors at 10:06 a.m.

Roll Call Present: Supervisor Arnold; Supervisor Brown; Supervisor McGlashan; Supervisor Adams  
Absent: Supervisor Kinsey

1. PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD, JUNE 2007, TO VENISE NAHMENS

Supervisor Brown announced that Venise Nahmens of the Probation Department was the "Employee of the Month" for June 2007. Supervisor Brown read a list of Ms. Nahmen's accomplishments and presented her with a cash award, a family pass to the Marin County Fair, a framed photograph of the Marin Civic Center, an assigned parking space for the month or free parking pass to Marin County parks, and an engraved plaque commemorating the occasion.

Ms. Nahmens expressed appreciation to the Board and her colleagues for their support.

2. PRESENTATION OF THE "OUTSTANDING EMPLOYEE TEAM OF THE QUARTER" AWARD TO THE ADULT DRUG COURT TEAM

Supervisor Brown announced that the Adult Drug Court Team was the recipient of the "Outstanding Employee Team of the Quarter" award and identified the members of the team as follows: Court Commissioner Roy Chernus, Probation Officer Isreal Jones, San Rafael Police Officer Tom Sabido, Deputy District Attorney Pam Bousquet, Deputy Public Defender Gaile O'Connor, Centerpoint Treatment Provider Rob Reinhard, Dr. Teena Scovis-Weston, and Program Coordinator Paula Glodowski-Valla. Each member of the Team received a cash award, an engraved plaque, and a gift commemorating the occasion.

Roy Chernus thanked the Board for the honor, acknowledged all the Team members, and reported a 70% success rate in reducing criminal recidivism.

The Board met as the Marin County Gateway Improvement Authority Board of Directors at 10:19 a.m. and the Marin County Gateway Refinancing Authority Board of Directors at 10:21 a.m. and reconvened as the Board of Supervisors at 10:23 a.m.

5. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor Arnold to approve the minutes of the meetings of May 22, June 5, and June 19, 2007.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

6. BOARD OF SUPERVISORS' MATTERS

#### In Memoriam

Supervisor Adams briefly commented on Consent Calendar Items CA-2d and CA-2e regarding the deaths of Veteran Marin County Sheriff's Communication Manager Bill McMurray and longtime Marin County volunteer Eileen Dempsey.

#### Aviation Commission - Item 12c

Supervisor Adams requested Item 12c, the District 1 Aviation Commissioner appointment, be postponed to a later date.

#### National Association of Counties ("NACo") General Assembly

Supervisor Adams reported that she will be attending the NACo General Assembly meeting in Richmond, Virginia, next week.

#### Marin County Fair

Supervisors Adams and McGlashan congratulated Cultural and Visitor Services Director Jim Farley and his staff on a very successful Marin County Fair.

#### Summer Solstice

Supervisor Adams briefly commented on the successful Summer Solstice event on Saturday, June 23, 2007, to raise money for the Children's Health Initiative and thanked her team of dedicated volunteers, the sponsors, and the food and auction donors for their hard work.

#### State Issues

Supervisor Adams briefly commented on a few pending issues before the State Legislature including the Housing Affordability Act (SB 303) and the proposed initiative dealing with the subject of mandatory reporting of pregnancies and sexually transmitted infections in minors as child abuse.

#### California State Association of Counties ("CSAC")

Supervisor Adams announced that Paul McIntosh is the new CSAC Executive Director.

#### San Rafael Issues

Supervisor Adams congratulated the City of San Rafael on its new sustainability ordinance for buildings and its new ordinance on wild urban interface lands. Supervisor Adams also briefly commented on her San Rafael bike tour with San Rafael Public Works Director Andy Preston.

#### Calendar

Supervisor Arnold briefly commented on the new "Ecobabes" calendar featuring twelve Sonoma environmentalists in an effort to raise money for the Climate Protection Campaign of Sonoma County.

#### In Memoriam

Supervisor McGlashan briefly commented on Consent Calendar Item CA-2f regarding the death of Tiburon Synagogue Board of Directors President Michael Richard Jackman.

#### Resolution of Commendation

Supervisor McGlashan briefly commented on Consent Calendar Item CA-2c regarding a resolution commending Clark Blasdell for his service on the Marin Economic Commission.

#### Muir Woods Shuttle

Supervisor McGlashan reported that the Muir Woods shuttle ridership has exceeded last summer's total ridership.

(Supervisor Brown absent at 10:37 a.m.)

Marin City Issues

Supervisor McGlashan acknowledged Sheriff Doyle and Deputy Ken Jones for reinstating the Marin City walking beat, briefly commented on a few Marin City initiatives including consideration of a curfew and an open container law, and noted community and county interest in a youth mentoring program.

Countywide Energy Taskforce

Supervisor McGlashan briefly commented on the Countywide Energy Taskforce meeting in May.

Single Use Plastic Water Bottles

Supervisor McGlashan requested County Department Heads to discourage the use of single use plastic water bottles, commenting on environmental impacts.

7. ADMINISTRATOR'S REPORT

Agenda Modifications

County Administrator Matthew Hymel advised of two minor corrections to the staff reports for Item CA-5d and Item CA-5g.

FY 2007-08 California State Budget

County Administrator Matthew Hymel briefly commented on the FY 2007-08 California State Budget and advised that the final State Budget is expected to be adopted before the County Budget hearings on July 25, 2007.

8. OPEN TIME

(Supervisor Brown present at 10:44 a.m.)

Web Perception

Web Perception consultant Kenneth Whitfield addressed the Board and briefly commented on a new education funding program that would give 15% of every dollar to Marin County Schools and proposed a discussion in the near future with the Board of Supervisors.

Supervisor Brown requested staff to meet with Mr. Whitfield.

Giacomini Marsh Restoration

Sierra Club representative Gordon Bennett addressed the Board and expressed concern regarding the Giacomini Marsh Restoration's Final Environmental Impact Report ("EIR").

9. Consent Calendar A (Items CA-1 through CA-9)

("Consent Calendar A" reflects those agenda items that have prior policy approval from the Board)

M/s Supervisor Brown - Supervisor Arnold to approve Consent Calendar A as amended.

CA-1. Auditor-Controller

Authorize President to execute agreement with Public Resource Management Group, LLC, in an amount not to exceed \$34,000, to submit County claim filings pursuant to State Mandated Cost Claiming process (SB90).

CA-2. Board of Supervisors

- a. Supervisor Arnold requesting resolution commending Bev McCallister upon her retirement from a 34 year teaching career.
- b. Supervisor Brown requesting resolution honoring the 100th anniversary of the Marin Humane Society.
- c. Supervisor McGlashan requesting resolution commending Clark Blasdel for his service on the Marin Economic Commission.
- d. Supervisor Adams requesting the Board adjourn in memory of Bill McMurray.
- e. Supervisor Adams requesting the Board adjourn in memory of Eileen Dempsey.
- f. Supervisor McGlashan requesting the Board adjourn in memory of Michael Richard Jackman.

CA-3. County Administrator

- a. Adopt Resolution No. 2007-92 continuing the local emergency declaration for the County of Marin, related to severe storm damage, in conformance with Government Code Section 8630.
- b. Authorize President to execute an agreement with the Marin County Federal Credit Union to provide ATM services in the Civic Center through July 1, 2010.

CA-4. Farm Advisor

Authorize President to execute agreement with Marin Conservation Corps, in the amount of \$33,000, for one-time support to establish the Center for Sustainable Horticulture at the Indian Valley Campus of the College of Marin.

CA-5. Health and Human Services

NOTE: Agreements in items CA-5a through CA-5e are renewals of existing agreements that were included in the proposed FY 2007-08 budget.

- a. Authorize President to execute FY 2007-08 agreement with ECHO Consulting Services of California, Inc., in an amount not to exceed \$130,767, for INSYST software maintenance and operations support and consultation services for the Division of Community Mental Health Services Management Information System ("MIS").
- b. Authorize President to execute (i) FY 2007-08 agreement (#07-65231) with the California Department of Health Services, Immunization Branch, in the amount of \$108,924, for a general immunization program; and (ii) corresponding Contractor Certification Clauses (CCC-307).
- c. Request to (i) adopt resolution and authorize President to execute agreement for the Federal Alternative Payment Program, in the amount of \$113,759 for children in the Child Protective Services ("CPS") program; and (ii) authorize execution of required Federal certifications related to receipt of funding.
- d. Authorize President to execute FY 2007-08 agreement with SPIN USA, Inc., in the amount of \$45,586, to provide specialized leadership training for the Division of Social Services.
- e. Authorize President to execute agreement with Marin General Hospital and Prima Medical Group, Inc., for the term July 1, 2007 - June 30, 2008, for an Obstetrics/Gynecology Hospitalist Program.
- f. Authorize President to execute a Declaration of Intent Not to Apply for FY 2007-08 Rural Health Services ("RHS") funding with the California Department of Health Services

("CDHS"), electing, instead, to have the CDHS administer the RHS funds on behalf of the County.

- g. Request to set July 24, 2007, at 11:00 a.m. as hearing date to consider adoption of a resolution revising the rate/charge schedule (increasing rates by 3%) for the Division of Community Mental Health Services treatment services for FY 2007-08.

CA-6. Human Resources

- a. Request to establish three-step salary range, as detailed in staff report dated July 10, 2007, for the job classifications of Probation Supervisor-Misc (Class #1202); Probation Supervisor-Safety (Class #1205); and Superintendent, Juvenile Hall (Class #1203).
- b. Request to take the following actions, as detailed in staff report dated July 10, 2007, related to the Community Development Agency's Strategic Assessment Initiative: (i) establish the new classification of Environmental Health Permit Technician I (Class #0286); (ii) reallocate Senior Clerk Typist to the new classification; and (iii) reclassify the incumbent effective July 29, 2007; (iv) adopt the new classification of Environmental Health Permit Technician II (Class #0287); (v) reallocate two Environmental Health Technician positions to the new classification; (vi) reclassify the effective July 29, 2007; and (vii) delete the classification of Environmental Health Technician.
- c. Request to take the following actions, as detailed in staff report dated July 10, 2007, related to the Community Development Agency's Strategic Assessment Initiative: (i) reallocate one Support Services Specialist (Class #1365) to Administrative Services Associate; and (ii) reclassify the incumbent effective July 29, 2007.
- d. Request to take the following actions, as detailed in staff report dated July 10, 2007, related to the Community Development Agency's Strategic Assessment Initiative: (i) reallocate Senior Clerk Typist (Class #1341) to Secretary; and (ii) reclassify the incumbent effective July 29, 2007.
- e. Request to take the following actions, as detailed in staff report dated July 10, 2007, related to the Community Development Agency's Strategic Assessment Initiative: (i) establish the new position and adopt classification of Senior Geographic Information Systems ("GIS") Analyst (Class #0273); (ii) reclassify the incumbent; effective July 29, 2007.

CA-7. Information Services and Technology

Request to approve reallocation of 1.0 FTE System Support Analyst II to 1.0 FTE Senior Systems Support Analyst to support the JURIS project for the Marin Superior Courts.

CA-8. Public Works

- a. Request to accept Report of Award of Contract for the Fish Passage Restoration Woodacre Creek at San Geronimo Valley. (Project No. FP-04).
- b. Request to set July 24, 2007, at 10:30 a.m. as hearing date to consider a requested 3.2% rate increase for Mill Valley Refuse Service for areas known as Southern Marin Franchise Areas 2, 3, 4, 5, 6, and 7.

CA-9. Treasurer

Monthly report of County, Schools, and District Investments as of May 31, 2007.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

- 10. SUPERVISOR ARNOLD REQUESTING LETTER SUPPORTING THE CITY OF NOVATO'S REQUEST FOR THE SONOMA-MARIN AREA RAIL TRANSIT ("SMART") DISTRICT TO FULLY ANALYZE THE CUMULATIVE IMPACTS OF THE NORTH COAST RAILROAD AUTHORITY'S ("NCRA") PLANS FOR INCREASED FREIGHT OPERATION

Supervisor Arnold gave a brief update on the North Coast Railroad Authority's ("NCRA") plans for increased freight operations through Novato. Supervisor Arnold asked for the Board's support to send a letter to the Sonoma Marin Area Rail Transit ("SMART") to thoroughly and carefully analyze the cumulative impacts of the NCRA's plans for increased freight operations.

Novato Councilwoman Carole Dillon-Knutson; representatives of the Sierra Club Marin, the Marin Conservation League, Sustainable Novato, and Marin Audubon Society; and several members of the community expressed concern regarding the proposed number of NCRA freight trains which would run through Novato, requested a separate Environmental Impact Report ("EIR"), noted impacts to SMART trains sharing the tracks, and expressed support for the letter.

A few members of the public requested a stronger letter and expressed concern regarding proposed NCRA plans to extend the freight trains farther north to Eureka.

Supervisor McGlashan noted that he is the Vice-Chair of the SMART Agency and advised that the SMART Board has already committed to produce an updated and thorough EIR analysis. Supervisor McGlashan commented on the speculative plans of the NCRA and noted that the NCRA Board is obligated to produce its own EIR.

Supervisor McGlashan briefly commented on several issues regarding SMART's study of the NCRA's EIR. Supervisor McGlashan suggested that the public contact the SMART Operations Committee for updates of discussions regarding interactions between freight operations and SMART operations. Supervisor McGlashan also advised that SMART owns the tracks and, if a SMART commute rail initiative passes, would have the final say of who uses the tracks and how often.

Supervisor Adams expressed concern regarding the NCRA plan and suggested that a thorough study be conducted on the level of freight on Marin railways.

Supervisor Arnold thanked her colleagues for their support.

Supervisor McGlashan announced that the Novato City Council will hold a public forum on "Resumption of Freight Train Service" on July 19, 2007, and that County officials will hold a "scoping session" with rail officials to address noise, speed, and other issues on July 31, 2007.

M/s Supervisor Arnold - Supervisor Brown to authorize the President Pro-Tem to execute a letter to Sonoma-Marine Area Rail Transit ("SMART") Chairman and Board of Directors supporting the City of Novato's request that SMART thoroughly and carefully analyze the cumulative impacts of the North Coast Railroad Authority's ("NCRA") plans for increased freight operations.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

The Board took a brief recess at 11:47 a.m.

The Board reconvened at 11:52 a.m. Supervisor Kinsey was absent.

11. REQUEST TO TAKE ACTIONS RELATED TO THE MARSHALL PHASE 1 COMMUNITY WASTEWATER SYSTEM ASSESSMENT DISTRICT

By letter dated July 10, 2007, Community Development Agency Director Alex Hinds and Environmental Health Services Deputy Director Phil Smith submitted their report and recommendations regarding the above-captioned matter.

Mr. Hinds acknowledged Senior Environment Health Specialist Marcia McEwen and Phil Smith for their work on this project and advised that staff recommends approval of the next steps as detailed in the staff report dated July 10, 2007.

Mr. Smith stated that staff expects to secure low interest loan financing through the State's Infrastructure Bank, advised that staff will bring construction management contracts to the Board next month, and briefly commented on the election.

A member of the public expressed concern regarding the ballots for the election.

M/s Supervisor Arnold - Supervisor Brown to: (a) adopt Resolution No. 2007-93 approving the Engineer's Report, levying assessments, and ordering improvements for the Assessment District; (b) direct staff to record the Map of the Assessment District; and (c) direct staff to mail notice of assessment to property owners.

Supervisor Brown acknowledged the work of the Environmental Health Services Department and staff.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0  
AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams  
ABSENT: Supervisor Kinsey

## 12. APPOINTMENTS

### a. Commission on Aging

Four term expirations as follows: one representing District 2 (Stanley Green, incumbent), two representing District 3 (Andrea Feit-Dougan and Ruth Youngquist, incumbents), and one representing District 4 (Marjorie Belknap, incumbent). Applications have been received as detailed in staff report dated July 10, 2007.

Supervisor McGlashan advised that Supervisor Kinsey has requested that the District 4 appointment be continued to July 17, 2007.

M/s Supervisor Brown - Supervisor Arnold to appoint Stanley Green as a District 2 representative.

Vote: Motion carried 4-0  
AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams  
ABSENT: Supervisor Kinsey

M/s Supervisor Brown - Supervisor Adams on behalf of Supervisor McGlashan, to appoint Andrea Feit-Dougan and Ruth Youngquist as representatives of District 3.

Vote: Motion carried 4-0  
AYES: Supervisor Arnold, Supervisor Brown, Supervisor McGlashan, Supervisor Adams  
ABSENT: Supervisor Kinsey

### b. Alcohol and Drug Advisory Board

Scheduled appointment for August 7, 2007, for one At-Large vacancy due to the resignation of Deborah Ram.

c. Aviation Commission

Two term expirations as follows: one representing District 1 (Richard Nave, incumbent) and one representing the Novato area (Frank Torr, incumbent). Applications have been received as detailed in staff report dated July 10, 2007.

At the request of Supervisor Adams, the appointment for District 1 was continued to a date to be determined.

M/s Supervisor Arnold - Supervisor Adams to appoint Frank Torr as a representative of the Novato area.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

d. Bel Marin Keys Planning Advisory Board

Scheduled appointment for July 24, 2007, for one vacancy due to the death of Donald White.

e. Children and Families Commission

Scheduled appointment for July 24, 2007, for one At-Large term expiration (Aideen Gaidmore, incumbent).

f. County Service Area ("CSA") #16 - Greenbrae

Two term expirations (Ted Canon and Greg Shaughnessy, incumbents). Both incumbents have reapplied.

M/s Supervisor Brown - Supervisor Adams to appoint Ted Canon and Greg Shaughnessy.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

g. Economic Commission

Scheduled appointment for August 7, 2007, for one vacancy representing Agriculture due to the resignation of Steve (William) Quirt).

h. Integrated Pest Management ("IPM") Commission

One vacancy representing the University of California. An application has been received from Steven Swain.

M/s Supervisor Brown - Supervisor Arnold to appoint Steven Swain.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

i. Library Commission

Six seats as follows: two representing District 1 (one vacancy and one term expiration), and one each representing Districts 2, 3, 4, and 5. Applications have been received as detailed in staff report dated July 10, 2007.

Supervisor McGlashan advised that Supervisor Kinsey has requested that the District 4 appointment be continued to July 17, 2007.



M/s Supervisor Adams - Supervisor Arnold to appoint L. David Fickbohm as a District 1 representative and to continue the remaining District 1 appointment to July 24, 2007.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

M/s Supervisor Brown - Supervisor Arnold to appoint Meredith Parnell as the District 2 representative.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

M/s Supervisor Adams - Supervisor Arnold on behalf of Supervisor McGlashan, to appoint Ona Rotenberg as a District 3 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 Barbara Madrid as a District 5 representative.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

- j. Marin/Sonoma Mosquito and Vector Control District ("MSMVCD") Board of Trustees  
Scheduled appointment for August 7, 2007, for one term expiration representing the unincorporated territory of West Marin annexed in 2005.

- k. Mental Health Board  
One term expiration representing Family Members (Beverlee Kell, incumbent) and one vacancy representing Family Members. Applications have been received as detailed in staff report dated July 10, 2007.

M/s Supervisor Adams - Supervisor Arnold to appoint Beverlee Kell as a Family Member 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 Wendy Todd as a Family Member representative.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

- l. Wildlife and Fisheries Committee  
Five seats: one vacancy representing Sport Hunters, one term expiration representing Conservation, two term expirations representing Sport Fishermen, and one term expiration representing Sport Hunters. Applications have been received as detailed in staff report dated July 10, 2007.

M/s Supervisor Arnold - Supervisor Adams to appoint Gary Frugoli and Ed Schulze as Sport Hunter representatives.

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 Loretta Farley as a Conservation 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 Brooke Halsey, Jr. and Alex Nichelini as Sport Fishermen representatives.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

m. Women's Commission

i. The appointment representing District 4 was continued to July 17, 2007.

ii. Scheduled appointment for August 7, 2007, for one vacancy representing District 3 due to the resignation of Tiawana Bullock.

n. Workforce Investment Board

i. Scheduled appointment for August 7, 2007, for one vacancy representing Business due to the resignation of James Jordan.

ii. Thirty-one (31) vacancies/term expirations representing Business, Labor, Educational Agencies/1-Stop Partners, Community-Based Organizations, and Economic Development Agencies. Applications have been received as detailed in staff report dated July 10, 2007.

M/s Supervisor Adams - Supervisor Arnold to:

(a) Appoint the following applicants:

Business representatives - Laura Armor, Joan Capurro, Caran Cuneo, Lori Fromm, Jennifer Gotti, Rich Graziano, Ginny Kuhel, M. Jill Magri, Will Rigney and Mark Wood;

Community-Based Organization representatives - Andrea Bizzell, Donna Lemmon, Cecilia Zamora;

Economic Development Agency representatives - Makini Hassan, Gail Theller;

Local Education representatives - Gene Abbott, Nanda Schorske;

Labor Organization representatives - Carol Costa, Maureen McManus, Kris Organ;

One-Stop Members - Charlene Reid, Darlene Rutkowski, Peter Schiller, Mary Kay Sweeney; and

(b) Continue remaining seven (7) appointments to August 7, 2007.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

The Board recessed at 12:04 p.m. to meet as the Marin County Open Space District Board of Directors and the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened as the Board of Supervisors at 1:46 p.m.

The Board recessed at 1:47 p.m. to meet in closed session in Room 324 A.

15. CLOSED SESSION

The Board met in closed session at 1:50 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: Neely v. Marinwood Community Services. Marin County Superior Court, Case No. CV 064793.

The Board reconvened in open session at 2:24 p.m. Supervisor Kinsey was absent.

The President Pro-Tem reported that the Board met in closed session and advised that there was no announcement at this time.

16. HEARING: CRANE APPEAL OF THE KAPLAN DESIGN REVIEW APPLICATION. (APN 074-262-32)

By letter dated July 10, 2007, Community Development Agency Director Alex Hinds and Senior Planner Christine Gimmler submitted their report and recommendations regarding the above-captioned matter.

Ms. Gimmler gave a brief presentation regarding the background and basis of appeal for this project. Ms. Gimmler noted that during the Planning Commission's hearing, the Planning Commissioners approved a proposal by the applicant to lower a stairwell tower on the front of the building's elevation, as well as requesting additional landscaping. Ms. Gimmler advised that the project was also reviewed and approved by the Kent Woodlands Property Owners Association. Ms. Gimmler advised that staff is recommending that the Board adopt a resolution denying the Crane appeal and sustaining the Planning Commission's conditional approval of the Kaplan Design Review.

In response to a question from Supervisor McGlashan, Mr. Hinds advised that the project incorporates energy efficient features consistent with the size and scale of the proposed development.

The hearing was declared open to receive public comment.

Jerry Polsky, project Architect, spoke briefly on behalf of the applicants about the proposed home's design, noting that it was subjected to a thorough review by the Homeowner's Association Architectural Review Committee and Community Development Agency staff, who stated that the proposed project would not adversely impact the views and privacy of the adjoining neighbors. Mr. Polsky submitted letters of support from a number of neighbors, as well as photo montages of the proposed project.

Bob Smith, Chairman of the Kent Woodlands Property Owners Association Architectural Committee, noted that the Committee made numerous site visits and held numerous preliminary review meetings regarding the proposed project. Mr. Smith noted that the architect and applicant responded in a positive manner to the Committee's directions to improve the originally submitted design. Mr. Smith stated that it is the opinion of the Architectural Committee, subsequently supported by the Appeals Committee of the Board of Directors, that there are no significant impacts to privacy, views, or the general characteristics of the immediate neighborhood.

Basia Crane, appellant, and Peter Crane, son of the appellant, expressed concerns regarding loss of privacy and views due to the proposed project. The Cranes noted that the proposed landscaping would block sunlight and sense of airiness between existing trees and commented on the proposed development's impact on the character of the local community.

Several neighbors and members of the public spoke to oppose the proposed project, expressing concerns regarding the size of the home, loss of views, loss of sunlight, and impact on the character of the local community. Two neighbors submitted photographs of the proposed development.

Richard Perlstein, project Architect, noted that the story poles shown in one of the staff photos were very visible because the photo was taken shortly after several trees were pruned for the winter. Mr. Perlstein advised that the applicant has proposed additional landscaping which will provide year-round screening.

Michael Yandle, project Landscape Architect, and the Project Arborist spoke about the existing landscape buffer that runs around the entire project site. Mr. Yandle commented further that a significant amount of additional landscaping is proposed to fill any existing gaps in the screening.

Lorin Kaplan, applicant, spoke about the time and money spent on architectural meetings and neighborhood site visits. Mr. Kaplan advised that every effort has been made to address the concerns of the neighborhood and commented on the letters of support received from several neighbors. Mr. Kaplan urged the Board to deny the Crane appeal and support the Planning Commission's approval of their Design Review application.

A neighbor spoke in support of the proposed project.

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

Supervisor Brown advised that he will stay personally involved and will work with staff and neighbors to minimize any adverse impacts of the project. Supervisor Brown also requested that staff add language to the conditions of approval regarding a maintenance agreement in the form of a bond or letter of credit to insure that the landscaping is maintained.

M/s Supervisor Brown - Supervisor Arnold to: (a) sustain the Planning Commission's conditional approval; and (b) adopt revised Resolution No. 2007-98 denying the Crane appeal and approving the Kaplan Design Review.

Vote: Motion carried 4-0

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

ABSENT: Supervisor Kinsey

The Board of Supervisors recessed at 3:36 p.m. to meet in closed session.

#### 15. CLOSED SESSION (CONTINUED)

The Board met in closed session to discuss the following:

- b. Instructions to labor negotiator (Human Resources Director) regarding all bargaining units pursuant to Government Code Section 54957.6.

The Board reconvened in open session at 4:39 p.m. Supervisors Brown and Kinsey were absent.

The President Pro-Tem reported that the Board met in closed session and advised that there was no announcement at this time.

The Board adjourned the meeting at 4:40 p.m. in memory of Eileen Dempsey, Michael Richard Jackman and Bill McMurray.

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PRESIDENT

ATTEST:

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CLERK