

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JANUARY 13, 2009, AT 10:04 A.M.

The Board met as the Marin County Housing Authority Board of Commissioners at 9:38 a.m. and convened as the Board of Supervisors at 10:04 a.m.

Roll Call

Present: Supervisor Brown; Supervisor Arnold; Supervisor McGlashan

Absent: Supervisor Kinsey; Supervisor Adams

2. APPROVAL OF THE MINUTES OF THE SPECIAL MEETINGS HELD JULY 17, 28 AND 30, AUGUST 13, SEPTEMBER 10, 15 AND 29, OCTOBER 6, 27, AND 30, 2008

M/s Supervisor McGlashan - Supervisor Arnold to approve the minutes of the special meetings held July 17, 28 and 30, August 13, September 10, 15 and 29, October 6, 27, and 30, 2008.

Vote: Motion carried 3-0

AYES: Supervisor Brown, Supervisor Arnold, Supervisor McGlashan

ABSENT: Supervisor Kinsey, Supervisor Adams

(Supervisors Adams and Kinsey present at 10:05 a.m.)

3. BOARD OF SUPERVISORS' MATTERS

Major Crimes Task Force

Supervisor Arnold briefly reported on highlights from a recent meeting of the Major Crimes Task Force.

Heart of Marin Awards

Supervisor Adams congratulated the Center for Volunteer and Nonprofit Leadership for their recent celebration to honor Marin's nonprofit and volunteer community.

Project Connect

Supervisor Adams distributed flyers for the Project Homeless Connect event to be held on January 29, 2009, from 10:00 a.m. to 2:00 p.m., at the First Presbyterian Church in San Rafael.

San Rafael Library

Supervisor Adams noted that the San Rafael Library will be celebrating its 100th birthday with a celebration on January 25, 2009.

Community Report

Supervisor Adams acknowledged staff for their efforts on the new Community Report.

Marin County Fair

Supervisor Adams noted that the Marin County Fair recently received 46 achievement awards from the Western Fairs Association and acknowledged Cultural Services Director Jim Farley and his staff for their efforts.

Community Heroes

Supervisor Adams acknowledged San Rafael resident Reverend John Surinchak and his grandson Patrick Spangler for their heroic efforts in catching a murder suspect and holding him for police.

Major Crimes Task Force

Supervisor Adams expressed concern regarding the City of Novato's withdrawal from the Major Crimes Task Force and the potential financial impact on the County.

Agenda Modification

Supervisor Adams requested that Item CA-7b, regarding a proposed rate increase for Marin Sanitary Service, be removed from Consent Calendar A to be considered separately.

4. ADMINISTRATOR'S REPORT

Agenda Modification

County Administrator Matthew Hymel advised that the Parks and Open Space Department has requested that Consent Calendar Item CA-6b, regarding proposed By-laws for County Service Area ("CSA") 20, be removed from today's agenda.

Marin Enterprise Resource Integration Technology ("MERIT") System

Information Services and Technology Director David Hill and Deputy Auditor-Controller Bryon Karow gave a brief report on the status of the County's MERIT system.

5. OPEN TIME

Homelessness

A member of the public thanked the Board for opening the San Rafael National Guard Armory as a warming center for the homeless but expressed concern regarding the ongoing needs of the homeless once the Armory is closed.

Cultural Capital of America

A member of the public spoke briefly about the significant role maritime transportation routes played in the history and development of California, distributed flags marking the "Cultural Capital of America," and emphasized the importance of worldwide learning.

Public Concerns

A member of the public expressed concern regarding diminishing resources in the public libraries and the lack of information about the hours and availability of the Warming Center at the San Rafael National Guard Armory.

6. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-7)

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

M/s Supervisor Arnold - Supervisor Kinsey to approve Consent Calendar A, with Item CA-6b removed and Item CA-7b considered separately.

CA-1. Auditor-Controller:

Request to adopt Resolution No. 2009-04 authorizing temporary transfer of funds, in an amount not to exceed \$6,500,000, to the Novato Unified School District, for meeting obligations incurred for maintenance purposes for FY 2008-09.

CA-2. Board of Supervisors:

- a. Supervisor McGlashan requesting resolution supporting the Marin Campaign "Earn It! Keep It! Save It!" to increase access to the Earned Income Tax Credit.

- b. Supervisors Arnold and Kinsey requesting a resolution commending Martha Patsy White on her selection as Novato Chamber of Commerce "2008 Citizen of the Year."
- c. Supervisor Adams requesting approval of a resolution recognizing San Rafael Public Library on the occasion of their 100th birthday.

CA-3. Community Development Agency:

- a. Authorize President to execute a HOME Investment Partnerships Program agreement with Homeward Bound of Marin, in the amount of \$478,297, for development of The Next Key transitional housing.
- b. Request to authorize President to execute Notice of Completion for the Marshall Phase 1 Community Wastewater System and authorize final payment, in the amount of \$133,427.60, to Furlong Brothers Construction of Tomales, CA.

CA-4. County Administrator:

- a. Request to authorize County Administrator to execute agreement with Godbe Research, in an amount not to exceed \$30,000, to develop and conduct the 2009 countywide community survey and prepare summary report and analysis.
- b. Authorize President to execute agreement with Cost Control Associates to provide energy cost recovery and reduction services.

CA-5. Information Services and Technology:

- a. Authorize President to execute agreement with Key Business Solutions, in the amount of \$53,900, to configure and implement payroll upgrades.
- b. Authorize President to execute agreement with Robert Gargano LLC, in the amount of \$129,600, to provide analysis and configuration of SAP plant management modules.

CA-6. Parks:

- a. Request to adopt Resolution No. 2009-05 authorizing execution of Quitclaim Deed to transfer ownership of three parcels adjacent to the Gary Giacomini Open Space Preserve lands from the County to the Marin County Open Space District.
- b. This item, regarding a request to adopt bylaws for the County Service Area ("CSA") #20 Advisory Board, was removed from the Agenda during the Administrator's Report.
- c. Request to authorize President to execute Notice of Completion for the Village Green I Playground Renovation Project.

CA-7. Public Works:

- a. Authorize President to execute agreement with David Bernardi, in an amount not to exceed \$273,000, for project management services.
- b. This item was removed from the Consent Calendar to be considered separately.
- c. Request to take the following actions related to the County Health & Wellness Campus Access Improvements Project: (i) authorize President to execute Notice of Completion; (ii) approve \$4,893.14 additional contingency funds; (iii) approve final payment in the amount of \$13,763.03; and (iv) authorize release of retention 35 days following Board action, in the amount of \$14,667.71, to Ghilotti Brothers, Inc. (Project No. 2008-021 (NTPP Project No. 2014))

Supervisor Kinsey commented briefly regarding the benefits of the agreement with David Bernardi in Item CA-7a for project management services for the Cal-Park Tunnel.

Thereafter, the vote on the pending motion was

AYES: ALL

CA-7b. REQUEST TO SCHEDULE A RATE HEARING ON JANUARY 27, 2009, AT 11:00 A.M. FOR CONSIDERATION OF THE FOLLOWING TWO MARIN SANITARY SERVICE 6.42% RATE INCREASES: (I) CENTRAL MARIN FRANCHISE AREAS 1, 2, 3, 4, 5 AND 6; AND ROSS VALLEY SOUTH FRANCHISE AREA

In response to questions from Supervisor Adams regarding the proposed rate increases, Public Works Director Farhad Mansourian advised that he would review noticing requirements with County Counsel and report back later in the meeting.

There being no objection, Board members agreed to schedule the rate hearing for January 27, 2009, at 11:00 a.m.

7. CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-2)  
("Consent Calendar B" reflects those agenda items requiring four affirmative votes relating to budgetary matters.)

Board members briefly discussed Item CB-1a regarding the Warming Center at the San Rafael National Guard Armory and directed staff to present a report, once the Center is closed, including statistics on the number of volunteers and organizations represented.

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

CB-1. Health and Human Services:

- a. Request to (i) authorize President to execute agreement with The Vine, in the amount of \$52,500, for operation of a temporary warming center primarily at the San Rafael National Guard Armory; and (ii) approve related budget actions as detailed in staff report dated January 13, 2009.
- b. Request to (i) authorize President to execute amendment to the FY 2008-09 agreement with the Workforce Investment Board of Solano County, Inc., ("WIBSC") increasing the contract by \$32,500 for a total amount of \$45,690, to provide disability navigator services through the Marin Employment Connection; and (ii) approve related budget actions as detailed in staff report dated January 13, 2009.

CB-2. Parks:

Request to accept donation of \$1,000 from the Sustainable Sports Foundation, to be used for McNear's Beach Park beautification.

AYES: ALL

8. SUPERVISOR BROWN REQUESTING PRESENTATION BY THE MARIN MUNICIPAL WATER DISTRICT ("MMWD") REGARDING WATER SUPPLY AND DEMAND CHALLENGES

Marin Municipal Water District General Manager Paul Helliker presented a brief report regarding water supply and demand in Marin and the challenges facing the District.

Board members commented on the impacts of development, the District's planning process, and local conservation measures.

9. REQUEST FROM THE DEPARTMENT OF PUBLIC WORKS AND THE COUNTY ADMINISTRATOR TO APPROVE VARIOUS ENERGY CONSERVATION MEASURES FOR THE CIVIC CENTER HALL OF JUSTICE AND ADMINISTRATION BUILDING

By letter dated January 13, 2009, County Administrator Matthew Hymel and Public Works Director Farhad Mansourian submitted their report and recommendations regarding the above-captioned matter.

Public Works Director Farhad Mansourian briefly summarized the staff report and noted that adopting these measures would save approximately \$40,000 and reduce carbon emissions by 30,000 pounds the first year.

M/s Supervisor McGlashan - Supervisor Kinsey to approve various energy conservation measures for the Civic Center Hall of Justice and Administration Building, as detailed in staff report dated January 13, 2009.

Mr. Mansourian and Mr. Hymel responded to questions from Board members regarding after-hours lighting and costs for use of the Marin Center.

Thereafter, the vote on the pending motion was

AYES: ALL

CA-7b. (CONTINUED) REQUEST TO SCHEDULE A RATE HEARING ON JANUARY 27, 2009, AT 11:00 A.M. FOR CONSIDERATION OF THE FOLLOWING TWO MARIN SANITARY SERVICE 6.42% RATE INCREASES: (I) CENTRAL MARIN FRANCHISE AREAS 1, 2, 3, 4, 5 AND 6; AND ROSS VALLEY SOUTH FRANCHISE AREA

Mr. Mansourian commented on the noticing for the public hearing scheduled for January 27, 2009.

(Supervisor McGlashan absent at 10:59 a.m.)

10. REQUEST TO ACCEPT CONSULTANT REPORT ON THE DETAILED PROJECT DELIVERY PLAN FOR MASTER CONSULTANT SERVICES TO IMPLEMENT A COMPETITION TO DESIGN AND CONSTRUCT THE EMERGENCY OPERATIONS FACILITY

By letter dated January 13, 2009, Facilities Planning and Development Manager David Speer submitted his report and recommendations regarding the above-captioned matter.

County Administrator Matthew Hymel and Mr. Speer briefly outlined the project phases, budget, and the proposed agreement, and acknowledged the County departments involved in the project development.

(Supervisor McGlashan present at 11:01 a.m.)

Mr. Speer responded to questions from Supervisor Adams regarding the project delivery timeline, opportunities for community input, and the environmental review process.

Supervisor Kinsey and Mr. Speer briefly discussed the environmental review process and the project design.

There being no objections, the Board voted unanimously to accept the Project Delivery Plan and to authorize the President to execute the agreement with Jones Lang LaSalle, Inc., in the amount not to exceed \$865,000, for consulting services related to solicitation of a third party partner for the design and construction of the Emergency Operations Facility.

11. HEARING: CONSIDERATION OF A RESOLUTION ESTABLISHING FARMLAND SECURITY ZONE ("FSZ") NO. 18, RESCINDING THE EXISTING LAND CONSERVATION CONTRACT, AND APPROVING RELATED FSZ CONTRACT PURSUANT TO GOVERNMENT CODE SECTION 51296

By letter dated January 13, 2009, Assessor-Recorder Joan Thayer submitted her report and recommendations regarding the above-captioned matter.

(Supervisor Adams absent at 11:09 a.m.)

The hearing was declared open to receive public testimony. Seeing no one present to speak, the hearing was closed.

M/s Supervisor Kinsey - Supervisor McGlashan to (a) adopt Resolution No. 2009-06 establishing FSZ No. 18; (b) rescind existing Land Conservation Contract; and (c) authorize the President to execute FSZ Contract with Crayne Ranch LLC (APN 100-090-05).

Vote: Motion carried 4-0

AYES: Supervisor Kinsey, Supervisor Brown, Supervisor Arnold, Supervisor McGlashan

ABSENT: Supervisor Adams

12. APPOINTMENTS

Peace Conversion Commission

One At-Large vacancy due to the resignation of Sandy Shartzter. An application was received from Norman Solomon.

Board members agreed to continue this item to a date to be determined.

13. HEARING: ORDINANCE AMENDING SECTION 11.36.030 OF THE MARIN COUNTY CODE RELATED TO SPEED LIMITS FOR MOTORIZED VEHICLES OPERATING IN THE LAGOONS AND WATERWAYS IN THE BEL MARIN KEYS COMMUNITY SERVICES DISTRICT AND NOVATO CREEK

By letter dated January 13, 2009, Deputy County Counsel Jennifer Vuillermet submitted her report and recommendations regarding the above-captioned matter.

The hearing was declared open to receive public testimony. Seeing no one present to speak, the hearing was closed.

M/s Supervisor Arnold - Supervisor McGlashan to adopt Ordinance No. 3510 amending Chapter 11.36 of the Marin County Code by amending Section 11.36.030 pertaining to speed limits for motorized vehicles operating in the lagoons and waterways in the Bel Marin Keys Community Services District and Novato Creek.

Vote: Motion carried 4-0

AYES: Supervisor Kinsey, Supervisor Brown, Supervisor Arnold, Supervisor McGlashan

ABSENT: Supervisor Adams

The meeting was adjourned at 11:10 a.m.

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PRESIDENT

ATTEST:

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CLERK