

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, JANUARY 26, 2010, AT 9:03 A.M.

Roll Call

Present: Supervisor Adams; Supervisor McGlashan; Supervisor Kinsey; Supervisor Arnold

Absent: Supervisor Brown

The Board convened in closed session at 9:03 a.m. Supervisor Brown was absent.

1. CLOSED SESSION

The Board met in closed session for a conference with legal counsel regarding anticipated litigation pursuant to California Government Code Section 54956.9(b)(1) involving the revision of the Tolling Agreement with the Salmon Protection and Watershed Network ("SPAWN").

The Board reconvened in open session at 10:05 a.m. Supervisor Kinsey was absent.

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

2. PRESENTATION OF THE 2009 "EMPLOYEE OF THE YEAR" AWARD TO JIM RODGERS OF THE HEALTH AND HUMAN SERVICES DEPARTMENT

Supervisor Brown announced that Jim Rodgers, of the Department of Health and Human Services, was the "Employee of the Year" for 2009, noted that he had been "Employee of the Month" in August 2009, and read a list of the qualities that encouraged the committee to name Mr. Rodgers the "Employee of the Year." Thereafter, Supervisor Brown presented him with an engraved clock and a cash award.

Mr. Rodgers expressed appreciation to the Board, his family and his colleagues.

(Supervisor Kinsey present at 10:07 a.m.)

Health and Human Services Director Dr. Larry Meredith congratulated Mr. Rodgers, acknowledged his contributions to the County of Marin, and presented him with the Department of Health and Human Services Shining Star award.

3. PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD, JANUARY 2010, TO QIANA DAVIS OF THE DEPARTMENT OF PUBLIC WORKS

Supervisor Brown announced that Qiana Davis, of the Department of Public Works, was the "Employee of the Month" for January 2010. Supervisor Brown read a list of Ms. Davis' 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. Davis expressed appreciation to the Board, her family, and her colleagues for their support.

4. APPROVAL OF MINUTES OF THE MEETING OF JANUARY 5, 2010

M/s Supervisor Brown - Supervisor Adams to approve the minutes of the meeting of January 5, 2010.

AYES: ALL

5. BOARD OF SUPERVISORS' MATTERS

Haiti Earthquake

Supervisor Adams spoke about the recent earthquake in Haiti, advised of the many legitimate organizations that are accepting donations for assistance, and spoke briefly regarding the importance of disaster preparedness. Supervisor Adams asked the Board to consider providing a community service grant to the Red Cross for their Haiti disaster response.

Association of Bay Area Governments ("ABAG") Meeting

Supervisor Adams reported on her attendance at a recent ABAG meeting and referenced the recently released "ABAG 2009 Housing Report."

Supervisor Adams also noted that ABAG is applying for over \$10 million to be allocated through the "Bay Area for Energy" program and advised that County staff is working with ABAG to insure that Marin will be eligible to receive a portion of these funds.

California State Association of Counties ("CSAC") Meeting

Supervisor Adams reported that she will be attending a CSAC meeting tomorrow at which the latest Governor's budget proposals will be discussed.

Homelessness

Supervisor Adams commented on information she has received regarding the number of people entering Marin's homeless shelters requiring medical attention.

Acknowledgement

Supervisor Kinsey congratulated Pacific Sun Publisher Sam Chapman on his new position with the Lawrence Livermore Lab and acknowledged his contributions to the community.

In Memoriam

Supervisor Kinsey requested an urgency finding to adjourn the meeting in memory of Don Mclsaac, long-time West Marin rancher and former President of the Resource Conservation District.

M/s Supervisor Kinsey - Supervisor McGlashan to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Don Mclsaac.

AYES: ALL

Supervisor Kinsey requested an urgency item to adjourn the meeting in memory of Walter Pack of Lagunitas and acknowledged the many community members who volunteered their services to assist him in the last years of his life.

M/s Supervisor Kinsey - Supervisor McGlashan to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Walter Pack.

AYES: ALL

Supervisor McGlashan requested an urgency finding to adjourn the meeting in memory of Edward Boessenecker of Mill Valley, who served on the Mill Valley City Council from 1969 to 1974.

M/s Supervisor McGlashan - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Edward Boessenecker.

AYES: ALL

Marin Energy Authority ("MEA") Update

Supervisor McGlashan provided a brief update on MEA's financing options and advised that the Board will consider options related to the Marin Clean Energy Implementation Loan at the Board of Supervisors' meeting on February 2, 2010.

Supervisor McGlashan distributed a letter sent to Pacific Gas and Electric Corporation ("PG&E") from California State Senate President Pro Tem Darrell Steinberg and State Senator Mark Leno expressing their concerns regarding the proposed ballot initiative circulated by PG&E relating to Community Choice Aggregation ("CCA").

In Memoriam

Supervisor Arnold requested an urgency finding to adjourn the meeting in memory of her neighbor and friend Pernell Roberts, best remembered for his portrayal of Adam Cartwright in the television western "Bonanza" and later in the medical drama "Trapper John, M.D."

M/s Supervisor Arnold - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Pernell Roberts.

AYES: ALL

Long-Term Budget Restructuring

Supervisors Arnold and Kinsey commented briefly regarding long-term budget restructuring discussions at a recent department head meeting.

6. ADMINISTRATOR'S REPORT

Agenda Modifications

County Administrator Matthew Hymel advised that Community Development Agency staff has requested that all items on the Redevelopment Agenda be removed for consideration at a later date.

Urgency item - Closed Session

County Administrator Matthew Hymel advised that County Counsel has requested that a closed session item be added to the agenda regarding an additional case of potential litigation.

M/s Supervisor Adams - Supervisor McGlashan to determine that the need to take action arose subsequent to the agenda being posted and to add one additional closed session item to the agenda for a conference with legal counsel regarding anticipated litigation.

AYES: ALL

Consent Calendar Item CA-7

Mr. Hymel and Board members acknowledged Finance Director Mark Walsh and his team for the completion of the Fiscal Year 2007-08 year-end reports. Mr. Hymel noted that the Certified Public Accounting firm of Gallina LLP, in the Independent Auditor's Report, have expressed an "unqualified (clean) opinion" on the County's financial position and results of its operations for the fiscal year ended June 30, 2008.

7. OPEN TIME

Bicycle and Pedestrian Corridor Study

A representative of the Marin County Bicycle Coalition ("MCBC") distributed a document titled "Closing the Safety Gap: Response from the Marin County Bicycle Coalition," a response to the "Mill Valley to Corte Madera Bicycle and Pedestrian Corridor Study." Several speakers expressed concerns regarding the Corridor Study and urged the Board to request its consultants to review and respond to the material submitted by the MCBC.

Marin Energy Authority ("MEA")

A representative of Sustainable Marin commented briefly about the Board's upcoming consideration of options related to the MEA implementation loan and urged the Board to consider the benefits of the MEA.

8. 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 Adams to approve Consent Calendar A, as presented.

CA-1. Agriculture/Weights and Measures:

Authorize President to (a) execute agreement (09-0657) with the California Department of Food and Agriculture, in the amount of \$65,518.55, for Light Brown Apple Moth ("LBAM") regulatory enforcement activities; and (b) adopt corresponding resolution.

CA-2. Board of Supervisors:

a. Appointments

i. Airport Land Use Commission

Scheduled appointment for February 23, 2010, for one At-Large vacancy due to the resignation of Peter Lane.

ii. Children and Families Commission (First 5 Marin)

Scheduled appointment for March 16, 2010, for one At-Large vacancy (incumbent John Leonard has served the maximum three consecutive terms).

b. Supervisor Brown requesting resolution recognizing Will Rigney for his service as 2009 Chairman of the Board of the San Rafael Chamber of Commerce.

CA-3. Community Development Agency:

a. Request to approve reservation of \$451,616 in short-term loans to Toussin Senior Apartments L.P. for construction of the Toussin Senior Apartments, and to approve 55-year term for loans funded by the Community Development Block Grant ("CDBG") and HOME Programs for the Toussin Senior Apartments.

- b. Authorize President to execute agreement with Utility Management Services, in the amount of \$26,480, for continuation of energy efficiency services for the 2010-2012 Marin Energy Watch Partnership.
- c. Authorize President to execute agreement with Community Energy Services Corporation, in the amount of \$1,114,429, for continuation of energy efficiency services for the 2010-2012 Marin Energy Watch Partnership.
- d. Authorize President to execute agreement with Kenwood Energy, in the amount of \$281,840, for continuation of energy efficiency services for the 2010-2012 Marin Energy Watch Partnership.
- e. Authorize President to execute agreement with Rising Sun Energy Center, in the amount of \$479,876, for continuation of energy efficiency services for the 2010-2012 Marin Energy Watch Partnership.

CA-4. County Administrator:

- a. Request to approve Community Service Agreements funded by the Board of Supervisors' Community Service Funds for January 2010.
- b. Approve report of delegated agreements executed by the County Administrator during the months of October, November and December 2009.
- c. Authorize President to send a letter opposing the proposed Point Molate mixed-use tribal destination resort and casino.

CA-5. County Counsel:

Adopt Resolution No. 2010-06 reaffirming, readopting and ratifying actions and proceedings of the Board of Supervisors during the 2009 calendar year.

CA-6. Cultural Services:

Authorize President to execute agreement with Penguin Speakers Bureau for presenting a performance by Greg Mortensen at the Marin Center on Thursday, April 15, 2010.

CA-7. Finance:

Approve Report of Examination of Financial Statements, Audit of Federal Financial Assistance Program and Independent Auditor's Report for Fiscal Year Ended June 30, 2008, as submitted.

CA-8. Health and Human Services:

NOTE: Agreements in items CA-8a through CA-8c are renewals of existing agreements that were included in and funded in the FY 2009-10 budget.

- a. Authorize President to execute FY 2009-10 agreement with Catholic Charities CYO, in an amount not to exceed \$34,680, to provide counseling services to low-income Spanish speaking West Marin clients.
- b. Authorize President to execute FY 2009-10 agreement with Ritter Center, in the amount of \$54,133, to provide medical evaluation services in support of the General Assistance program.
- c. Authorize President to execute multi-year Memorandums of Understanding ("MOU") with (i) the University of San Francisco; and (ii) Pacific Union College to continue to serve as a training site for nursing students.
- d. Authorize President to execute Addendum (01) to FY 2009-11 agreement with Taryk Rouchdy, dba International Effectiveness Centers ("IEC"), increasing the contract by \$30,000 for a total contract amount of \$54,500, to provide translation services.

- e. Authorize President to execute Addendum 01 to FY 2009-10 agreement with the Marin City Health and Wellness Center, increasing the contract by \$35,000 for a total contract amount of \$135,000, for medical and preventive services.
- f. Authorize President to execute Addendum (01) to FY 2009-10 agreement with Amanda Stone, extending the contract term to June 30, 2010, and increasing the amount by \$14,983 for a total contract amount of \$34,983, to provide advisory and technical assistance in restructuring key safety net services.

CA-9. Public Works:

- a. Request to adopt Traffic Resolution No. 2029 prohibiting parking on the north side of Weatherly Drive in Mill Valley, beginning at Harbor Point Drive and extending 290 feet northwesterly.
- b. Request to adopt Traffic Resolution No. 2030 creating a stop control for traffic on La Brea way at the intersection of Adrian Way in Santa Venetia.
- c. Request to (i) authorize President to execute Notice of Completion for the 2009 Lucas Valley Road Resurfacing, (ii) approve final payment to Ghilotti Bros., Inc., in the amount of \$21,604.89, and (iii) approve release of retention in the amount of \$120,328.61, 35 days following Board action. (Project No. 2009-17)
- d. Request to (i) approve award of Request for Proposal ("RFP") No. 2609, for landscape maintenance services for the Parks and Open Space Department, to Gardeners' Guild, Inc. of Richmond, CA, in the amount of \$134,028 per year, for the period of February 1, 2010, to January 1, 2011, with an option to extend for an additional three (3) years in one-year increments; and (ii) authorize Purchasing Agent to approve subsequent annual contract extensions, as detailed in staff report dated January 26, 2010.
- e. Request to adopt Resolution No. 2010-07 authorizing submission of applications for eligible grant programs to the California Department of Resources, Recycling and Recovery ("CDRR"); and authorizing, for the period of January 26, 2010, through January 26, 2015, the Director of Public Works to execute all related documents to implement and carry out the purposes specified in the grant applications.

AYES: ALL

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

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

CB-1. Community Development Agency:

Request from the Environmental Health Services Division to take the following actions related to the East Shore Wastewater Phase II and Woodacre Flats feasibility studies: (a) accept the following grant awards: (i) U.S. Environmental Protection Agency ("EPA"), in the amount of \$83,773; (ii) State Water Resources Control Board ("SWRCB"), in the amount of \$72,035; and (iii) Tomales Bay Watershed Council Foundation, in the amount of \$10,551.23; and (b) approve related budget actions as detailed in staff report dated January 26, 2010.

CB-2. Library:

Request to accept the following donations and approve related budget actions as detailed in staff reports dated January 26, 2010:

- a. \$1,500 from Wells Fargo Bank
- b. \$2,000 from the Marin County Library Foundation

- c. \$2,041.22 from the Friends of the Corte Madera Library and \$2,518.65 from the Friends of the Marin County Free Library
- d. \$6,500 from Gail Foster

AYES: ALL

10. REQUEST FROM THE COMMUNITY DEVELOPMENT AGENCY TO ADOPT PROPOSED POLICY APPLYING 2008-2009 BUILDING AND PLANNING PERMIT FEES FOR PROJECTS AFFECTED BY THE 2008-2010 DEVELOPMENT MORATORIUM FOR THE SAN GERONIMO VALLEY WATERSHED

By letter dated January 26, 2010, Community Development Agency Director Brian Crawford submitted his report and recommendations regarding the above-captioned matter.

Supervisor Kinsey commented on the public's misconception of the rules for remodels during the moratorium. Supervisor Kinsey recommended that the policy include language to allow applicants denied the lower fee for remodels the ability to appeal to the Community Development Agency Director on a case-by-case basis. After further discussion, it was agreed that this language be added as it pertains to additions up to 500-square feet as opposed to interior remodels.

M/s Supervisor Kinsey - Supervisor Adams to adopt proposed revised policy applying 2008-2009 building and planning permit fees for projects affected by the 2008-2010 development moratorium for the San Geronimo Valley Watershed.

AYES: ALL

11. FIRST READING: ORDINANCE ADOPTING AMENDMENTS TO MARIN COUNTY CODE TITLE 19 (BUILDING CODE), UPDATING THE COUNTY'S GREEN BUILDING REQUIREMENTS

By letter dated January 26, 2010, Community Development Agency Director Brian Crawford and Assistant Planner Omar Peña submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor McGlashan - Supervisor Kinsey to request clerk to read ordinance by title only and schedule merit hearing for February 9, 2010, at 11:00 a.m.

City of San Rafael Community Development Director Robert Brown spoke briefly about the process used by the Marin Green Building, Energy Retrofit and Solar Transformation ("BERST") collaborative to create a robust green building ordinance and urged the Board to adopt the proposed ordinance on February 9th.

A Marin Builders Association representative advised that the Association's Green Building Committee has endorsed the proposed ordinance, spoke about the importance of adopting uniform green building standards throughout the County, and urged strong enforcement of illegal building activities.

Board members acknowledged staff and the BERST collaborative for their efforts. Mr. Crawford acknowledged Marin County Planning Commission Chair Don Dickenson for his contributions to the BERST Task Force.

Staff responded to comments and questions from Board members regarding the impact of the proposed ordinance on Marin County's existing Development Code and Countywide Plan, whether a single-family home project will be able to choose between Green Point or LEED ratings, and coordination with Marin's cities and towns to adopt uniform green building standards.

(Supervisor Adams absent at 10:58 a.m.)

(Supervisor Adams present at 11:00 a.m.)

(Supervisor Brown absent at 11:01 a.m.)

Mr. Peña presented a brief overview of the process used to draft the proposed ordinance and a brief description of the proposed green building standards.

(Supervisor Brown present at 11:08 a.m.)

In response to a question from Board members, Mr. Brown advised that he has commitments from Planning Directors from the other Marin towns and cities to bring these recommendations forward to their Councils this Spring.

Board members commented on the value of having uniform standards throughout Marin County, spoke about ways to alleviate potential impacts to affordable housing projects, and asked about benefits relating to AB 32 compliance.

Supervisor Kinsey called out the need for a correction to the Residential Compliance Table on Page 3 of Exhibit A to include dwelling sizes between 3500 and 4000 square feet.

A representative of SaferBuilding urged the Board to include SaferBuilding healthy building materials standards in the proposed ordinance.

A member of the public commented briefly about cutting-edge building systems.

In response to a question from Board members, staff noted that the Green Point and LEED programs are updated over time to include the most recent research regarding healthy building standards.

Thereafter, the vote on the pending motion was

AYES: ALL

The clerk read the ordinance by title only and the merit hearing was scheduled for February 9, 2010, at 11:00 a.m.

12. REQUEST FROM THE DEPARTMENT OF PUBLIC WORKS TO SCHEDULE HEARINGS FOR CONSIDERATION OF MARIN SANITARY SERVICE'S REQUESTED 3.18% RATE INCREASE FOR CENTRAL MARIN FRANCHISE AREAS 1, 2, 3, 4, 5 AND 6 AND THE ROSS VALLEY SOUTH FRANCHISE AREA; AND TO CONSIDER THE ADDITION OF A PROGRESSIVE RATE SCHEDULE THAT PROPOSES A 4% COMPOUNDED RATE PER GALLON ON LARGER CANS

By letter dated January 26, 2010, Deputy Public Works Director Michael Frost submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Brown to schedule hearings for February 9, 2010, at 11:00 a.m.

Board members commented that it will be important to clarify issues regarding employee wage increases and franchise rates, as well as impacts to the County's zero waste program.

Thereafter, the vote on the pending motion was

AYES: ALL

13. APPOINTMENTS

Integrated Pest Management ("IPM") Commission

One vacancy for an At-Large Alternate representative. Applications were received from Bridget Brewer, Carolyn Cohan, Janet Gross, David Long and Michelle Miller.

Board members agreed to interview all five applicants. After discussion with staff regarding scheduling issues for the February 2nd Board meeting, the Board directed staff to work with the Board President to identify the next available meeting for interviews.

The Board recessed at 11:20 a.m. to meet in closed session.

15. CLOSED SESSION

The Board met in closed session to discuss the following:

- a. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: *Yates v. County of Marin*, Marin County Superior Court.
- b. Conference with legal counsel regarding potential litigation pursuant to California Government Code Section 54956.9(c). Number of Potential Cases: Two (2).

The Board reconvened in open session at 2:10 p.m. All Supervisors were present.

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

The meeting was adjourned at 2:11 p.m. in memory of Edward Boessenecker, Walter Pack, Don Mclsaac, Sr., and Pernell Roberts.

SINE DIE

PRESIDENT

ATTEST:

CLERK