

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, OCTOBER 18, 2005, AT 10:08 A.M.

Roll Call

Present: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

Absent: Supervisor Kinsey

1. **PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD, OCTOBER 2005, TO LAURIE THOMPSON OF THE COUNTY LIBRARY**

Supervisor Brown thanked County Counsel Administrative Assistant Jeanine Michaels for her excellent work as administrator of the Employee Recognition program.

Supervisor Brown announced that Laurie Thompson of the County Library was the "Employee of the Month" for October 2005. Supervisor Brown read a list of Ms. Thompson's accomplishments and presented her with a cash award, a family pass to the Marin County Fair, a framed photograph of the Marin County Civic Center, an assigned parking space for the month or free parking pass to Marin County Parks, and an engraved plaque commemorating the occasion.

On behalf of the Marin County Free Library, Director of County Library Services Carol Starr congratulated Ms. Thompson and briefly commented on her many contributions to the department and to the County of Marin.

Ms. Thompson expressed appreciation to the Board and her colleagues for their support, with special thanks to Cultural and Visitor Services Director Jim Farley, former Supervisor Annette Rose, Librarian Carol Uhrmacher and Senior Library Assistant Jocelyn Moss.

2. **BOARD OF SUPERVISORS' MATTERS**

Flu Vaccine

Supervisor Adams advised that flu vaccine will be available soon and encouraged everyone to get their flu shots.

Bioneers Conference

Supervisor Adams spoke briefly regarding the Bioneers Conference which she attended over the weekend.

Binational Health Week

Supervisor Adams commented on the success of Binational Health Week and thanked her Aide Ron Ford, Supervisor Kinsey's Aide David Escobar, Deputy Clerk of the Board Miriam Martinez, and Health Services Assistant Director Frima Stewart and her staff for their assistance.

Local Agency Formation Commission ("LAFCO")

Supervisor McGlashan commented on the completion of two years of work by LAFCO on Southern Marin Sewer Agencies' spheres of influence, potential operating efficiencies and political consolidations.

Golden Gate Bridge District Bridge Toll

Supervisor Brown responded to a recent article in the Marin Independent Journal reporting that the Bridge District was considering a bridge toll increase to \$6.00, noting that the Bridge Board discussed a number of long-term options but nothing specific relating to a toll increase.

3. ADMINISTRATOR'S REPORT

The County Administrator had nothing to report.

4. OPEN TIME

Recognition

A member of the public thanked Auditors' staff for recently providing him with complete information regarding Board of Supervisors' salaries and expenses. The speaker also thanked Supervisor Adams for hosting the recent Town Hall Meeting with Congresswoman Woolsey.

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

("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 Murray - Supervisor Adams to approve Consent Calendar A:

CA-1. Board of Supervisors:

- a. Request to reappoint Supervisor Adams to a one-year term of office, to the Board of Directors of the California State Association of Counties ("CSAC"), commencing with the first day of the CSAC annual conference on November 29, 2005.
- b. Request to authorize Supervisor Kinsey, as the Marin County representative to the Fisheries Network for the Central California Coastal Counties (Fishnet 4C), to execute Memorandum of Understanding related to the California Fish Passage Forum.
- c. Supervisor Kinsey requesting resolution commending Phil Buchanan on the occasion of his retirement for 25 years of service as the General Manager of the Bolinas Community Public Utility District ("BCPUD").

CA-2. Agricultural Commissioner/Director of Weights and Measures:

- a. Request to (1) authorize President to execute agreement (No. 05-0486) with the California Department of Food and Agriculture, in the amount of \$77,870, for the County's Pierce's Disease/Glassy-Winged Sharpshooter ("GWSS") exclusion and detection efforts; and (2) adopt corresponding resolution authorizing execution of agreement.
- b. Request to (1) authorize President to execute agreement (No. 05-0432) with California Department of Food and Agriculture, in the amount of \$37,689.98, to reimburse the County for the cost of enforcing Sudden Oak Death ("SOD") regulations concerning movement of SOD quarantined materials; and (2) adopt corresponding resolution authorizing execution of agreement.

CA-3. Community Development Agency:

- a. Authorize President to execute amendment to Community Development Block Grant ("CDBG") agreement with Marin Community Food Bank, increasing contract by \$28,300 for a total contract amount of \$115,059, for food distribution.
- b. Authorize President to execute amendment to Community Development Block Grant ("CDBG") cooperation agreement with Women Helping All People ("WHAP"), increasing the contract by \$8,600 for a total contract amount of \$34,300, for an after-school tutorial program.
- c. Authorize President to execute amendment to the Community Development Block Grant ("CDBG") Program agreement with Fair Housing of Marin, increasing the contract by \$46,000 for a total contract amount of \$182,000, to be used for fair housing counseling and education.
- d. Authorize President to execute amendment to the Community Development Block Grant ("CDBG") agreement with the Family and Children's Law Center, increasing the contract by \$19,250 for a total contract amount of \$76,250, for legal assistance for low-income persons.
- e. Authorize President to execute Community Development Block Grant ("CDBG") with West Marin Senior Services, in the amount of \$15,000, for planning and predevelopment of an assisted living facility.
- f. This item was considered separately and heard after Item #7.

CA-4. Cultural Services:

Authorize President to execute agreement with Bioneers/Collective Heritage Institute for their use of the Marin Center on October 12-17, 2005, for their "Bioneers Conference."

CA-5. Health and Human Services:

NOTE: Agreement in item CA-5a is a renewal of an existing agreement that was included in and funded in the FY 2005-06 budget.

- a. Authorize President to execute FY 2005-06 agreement with Susan Goldwasser, M.D., in an amount not to exceed \$32,130, to provide psychiatric evaluation to child outpatients, clients in Juvenile Hall and clients in need of psychiatric emergency services.
- b. Authorize President to execute amendment to the agreement with RAND Corporation, approving a two-month contract term extension, to conduct study of the Division of Aging's Senior Health Risk Screen tool.
- c. Authorize President to approve the Department of Health and Human Services FY 2005-06 contract extensions for various nonprofits and individuals, extending contracts through December 31, 2005.

CA-6. Public Works:

- a. Approve temporary closure of one lane of Woodland Road between South Ridgewood and College Avenue in Kent Woodlands on Monday, October 31, 2005, from 4:30 p.m. to 6:00 p.m. for a children's Halloween parade.
- b. Adopt Resolution No. 2005-122 authorizing the Director of Public Works or his designee to execute all necessary forms for the purposes of securing a Reuse Assistance Grant from the California Integrated Waste Management Board.

- c. Authorize President to execute First Addendum to the agreement with Kleinfelder, Inc. approving County participation in the contract for supporting environmental, geotechnical, and testing services.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

6. **CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-3)**
("Consent Calendar B" reflects those agenda items requiring a 4/5th vote relating to budgetary matters)

M/s Supervisor Murray - Supervisor Adams to approve Consent Calendar B:

- CB-1. Fund Transfers:
Request from the Auditor-Controller to adopt Resolution No. 2005-123 authorizing temporary transfer of funds to the Larkspur School District, in an amount not to exceed \$3,879,548, for meeting obligations incurred for maintenance purposes for FY 2005-06. (4/5 vote)
- CB-2. Health and Human Services:
Request from the Health and Human Services Director to (a) authorize President to execute FY 2005-06 agreement with the College of Marin, in the amount of \$28,542, to assist in the training of qualified healthcare workers participating in Project Healthcare Training Initiative ("HTI") operated by the Marin Employment Connection; and (b) approve Transfer of Funds increasing appropriations in the County of Marin, Employment Services, Health Care Training Initiative account by \$77,407 offset by funds received to provide direct client services into the Health Care Training Initiative account in the amount of \$77,407. (4/5 vote)
- CB-3. Library:
Request from the Director of County Library Services to accept the following donations and approve Transfer of Funds increasing appropriations in the Marin County Library, Library Technical Services, Friends Books and Audio Visual Materials account by \$1,500, Civic Center Library, Friends Books and Audio Visual Materials account by \$1,500, and South Novato Library, Friends books and Audio Visual Materials account by \$400, offset by donations to the Marin County Free Library into the Donations (General) account in the amount of \$3,400. (4/5 vote)

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

7. **SUPERVISORS MURRAY AND MCGLASHAN REQUESTING RESOLUTION AWARDING THE BOARD OF SUPERVISORS' "GOLDEN SPIRE OUTSTANDING BUSINESS OF THE YEAR AWARD" TO BIOMARIN PHARMACEUTICAL, INC.**

By memorandum dated October 18, 2005, Supervisors Cynthia Murray and Charles McGlashan submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor McGlashan to adopt resolution awarding the Board of Supervisors' "Golden Spire Outstanding Business of the Year Award" to BioMarin Pharmaceutical, Inc.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

5. CONSENT CALENDAR A (CONTINUED)

County Administrator Matthew Hymel requested that the Board return to Consent Calendar A and remove Item CA-3f, regarding the Youssefirad Appeal of the Planning Commission's conditional approval of the Youssefirad Design Review, for continuation to next week's agenda.

M/s Supervisor Murray - Supervisor McGlashan to rescind the vote approving Item CA-3f as part of Consent Calendar A.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

After further discussion by Board members and staff, it was agreed to consider Consent Calendar Item CA-3f separately.

CA-3f. [REQUEST TO ADOPT A RESOLUTION RELATED TO THE BOARD'S SEPTEMBER 13, 2005, HEARING ON THE YOUSSEFIRAD APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE YOUSSEFIRAD DESIGN REVIEW FOR A NEW SINGLE FAMILY RESIDENCE AT 56 MOUNTAIN LANE, MILL VALLEY \(APN 045-111-09,10 AND 045-093-08\)](#)

A member of the public expressed concern regarding the rehearing of this matter, noting that her understanding was that this item was coming before the Board today only to approve the changes to the final conditions of approval as directed by the Board at their September 13, 2005, meeting.

Community Development Agency Director Alex Hinds and Planning Services Deputy Director Brian Crawford responded to the speaker's comments by agreeing that the action taken at the September 13, 2005, Board meeting was to approve the Youssefirad project subject to changes in the final conditions of approval, contingent upon ratifying the final resolution. Mr. Crawford advised that the applicants have since suggested additional revisions to the conditions of approval, mainly to address their anticipated difficulty in securing a turnaround or fire access easement from a relative residing next door to the project site. Mr. Crawford advised that in response to the applicant's request, staff has submitted revised language which provides additional flexibility in establishing a proper fire access easement or turnaround area on either the applicant's property or the relative's property next door, subject to review and approval by the Public Works Department and the Fire Department. Mr. Crawford noted that the revised conditions presented at today's hearing are consistent with the intent and objectives of the direction provided by the Board

of Supervisors at their September 13th hearing. Mr. Crawford advised that the revised language was sent to the interested parties and noted that staff was prepared to request that the Board allow additional public testimony before ratifying the resolution if any objections were raised.

Thomas Dubberke, representing property owners and appellants Marie and Fariborz Youssefirad, advised that concerned parties are working on a compromise that would guarantee neighborhood access to a turnaround at 56 Mountain Lane.

Marie Youssefirad commented on the timeliness of her receipt of the final Planning Commission decision which was dated October 22, 2004, but was not received until November 10, 2004.

After further discussion by Board members and staff, it was agreed to bring this matter back to the Board at the November 1, 2005, Board meeting. Agency Director Hinds indicated that a new public notice of the future hearing date would be mailed to surrounding property owners.

M/s Supervisor Adams - Supervisor McGlashan to continue this matter to November 1, 2005.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

8. SUPERVISOR ADAMS REQUESTING RESOLUTION COMMENDING THE FAMILY SERVICE AGENCY OF MARIN UPON ITS 60TH ANNIVERSARY OF DEDICATED SERVICE TO THE PEOPLE OF THE COUNTY OF MARIN

M/s Supervisor Adams - Supervisor McGlashan to adopt a resolution commending the Family Service Agency of Marin upon its 60th anniversary of dedicated service to the people of the County of Marin.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

Supervisor Adams read and presented the resolution to Family Service Agency of Marin Executive Director Margaret Hallett and Board of Trustees member Ruth Rosen, who expressed gratitude to the Board for this recognition.

9. ON BEHALF OF SUPERVISOR ADAMS, REQUEST FROM THE COUNTY ADMINISTRATOR TO ADOPT A RESOLUTION OPPOSING PROPOSITION 76, THE "CALIFORNIA LIVE WITHIN OUR MEANS ACT", ON THE NOVEMBER 8, 2005, STATE BALLOT

By letter dated October 18, 2005, County Administrator Matthew Hymel, on behalf of Supervisor Adams, submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Murray to adopt Resolution No. 2005-124 opposing Proposition 76 on the November 8, 2005, State Ballot.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

A member of the public expressed the opinion that Board members can speak as individuals but should not speak as a Board on behalf of him in supporting or opposing state propositions.

In response to the speaker's comments, Supervisor Adams noted that Proposition 76 would directly affect local government and the local community through cuts to county services.

10. **ON BEHALF OF SUPERVISOR MCGLASHAN, REQUEST FROM THE COUNTY ADMINISTRATOR TO SUPPORT FEDERAL FUNDING OF A PLANNING AND FEASIBILITY STUDY FOR THE ALTO BIKE TUNNEL**

By letter dated October 18, 2005, County Administrator Matthew Hymel, on behalf of Supervisor McGlashan, submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor McGlashan - Supervisor Adams to support request for federal funding to conduct a planning and feasibility study regarding the Alto Bike Tunnel.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

11. **PRESENTATION BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF ALCOHOL, DRUG AND TOBACCO PROGRAMS, OF THE PREVENTION STRATEGIC PLAN, YEAR 1 EVALUATION RESULTS**

By letter dated October 18, 2005, Health and Human Services Director Dr. Larry Meredith submitted the Prevention Strategic Plan, Year 1 Evaluation and new Public Service Announcements focused on reducing social sources of alcohol for Marin teens.

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

Health and Human Services Planners Catherine Condon and Gary Najarian briefly presented highlights from the first year of implementation of the Prevention Strategic Plan and shared some of the new Public Service Announcements which will be launched tomorrow at a press conference at the Civic Center at 11:00 a.m.

(Supervisor Brown returned at 11:05 a.m.)

Board members thanked staff for their efforts and commented on issues associated with the use of drugs and alcohol by Marin's teens.

12. REQUEST FROM COUNTY COUNSEL TO APPROVE BUDGET AND POSITION ALLOCATIONS, INCREASING A 0.8 TO 1.0 FTE COUNTY COUNSEL III AND A 0.8 TO 0.9 REGULAR PART-TIME COUNTY COUNSEL IV, OFFSET BY ANTICIPATED REVENUE, TO PROVIDE NEW AND INCREASED LEGAL SERVICES

By letter dated October 18, 2005, County Counsel Patrick Faulkner submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Murray to (a) approve position adjustments, effective October 10, 2005, as follows: increase position #00245 in job class #2543 from a 0.8 to 1.0 FTE, County Counsel III, Step 5; and increase position #00260 in job class #2544 from 0.8 to 0.9 Regular Part-time County Counsel IV, step 5; and (b) increase 131-9579 (counsel fees) by \$29,543.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

13. Request from the County Administrator to authorize President to execute agreement with the Marin County Bicycle Coalition, in the amount of \$50,000, to provide support for the Marin County Pedestrian and Bicycle Master Plan

By letter dated October 18, 2005, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor McGlashan to authorize President to execute agreement with the Marin County Bicycle Coalition, in the amount of \$50,000, to provide support for the Marin County Pedestrian and Bicycle Master Plan.

In response to a question from Supervisor Adams, Marin County Bicycle Coalition Executive Director Kim Baenisch advised that the Coalition provides a summary at the end of every annual funding cycle reporting how County dollars have been spent.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

14. REQUEST FROM THE PUBLIC WORKS DIRECTOR TO INITIATE THE REORGANIZATION OF THE DEPARTMENT OF PUBLIC WORKS, WASTE MANAGEMENT DIVISION, TO ACCOMMODATE EXPANSION OF THE CERTIFIED UNIFIED PROGRAM AGENCY ("CUPA" - HAZARDOUS MATERIALS MANAGEMENT PROGRAM)

By letter dated October 18, 2005, Public Works Director Farhad Mansourian submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Murray to: (a) authorize Public Works Director to request the California Secretary of Environmental Protection Agency to include the City of San Rafael in Marin's Certified Unified Program Agency ("CUPA") and authorize Public Works Director to execute any necessary documents; and (b) direct staff in reorganization of the Waste Management Division of the Public Works Department.

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

15. REQUEST FROM THE COMMUNITY DEVELOPMENT AGENCY TO AUTHORIZE PRESIDENT TO EXECUTE (A) AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES, IN THE AMOUNT OF \$998,840.70, FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT ("EIR") FOR THE SAN RAFAEL ROCK QUARRY AMENDED RECLAMATION PLAN 2004 (ARP04) AND AN INITIAL STUDY FOR OPERATING CONDITIONS UNDER THE SAN RAFAEL ROCK QUARRY AMENDED SURFACE MINING AND QUARRYING PERMIT; AND (B) PROJECT SPONSOR AGREEMENT WITH DUTRA MATERIALS, FOR THEIR PAYMENT OF EIR AND INITIAL STUDY PREPARATION FEES

By letter dated October 18, 2005, Environmental Coordinator Tim Haddad submitted his report and recommendations regarding the above-captioned matter. Mr. Haddad stated that Dutra Materials, in compliance with the direction of the Marin County Superior Court, has submitted applications for an Amended Reclamation Plan and an Amended Quarrying Permit, requiring preparation of an Initial Study and Environmental Impact Report ("EIR") under California Environmental Quality Act ("CEQA"). Mr. Haddad further stated that Dutra Materials has submitted an agreement with Marin County in the amount of \$998,840.70 for installment payments for preparation of the project environmental review documents.

M/s Supervisor Adams - Supervisor Murray to authorize President to execute (a) agreement with Environmental Science Associates, in the amount of \$998,840.70, for the preparation of an Environmental Impact Report ("EIR") for the San Rafael Rock Quarry Amended Reclamation Plan 2004 (ARP04) and an Initial Study for operating conditions under the San Rafael Rock Quarry Amended Surface Mining and Quarrying Permit; and (b) project sponsor agreement with Dutra Materials, for their payment of EIR and Initial Study preparation fees.

A member of the community addressed the Board requesting that a "quality of life" outreach survey be initiated during the environmental review.

Gary Giacomini, legal counsel for Dutra Materials, expressed appreciation to the Board and staff for their efforts and support of this project.

Environmental Science Associates ("ESA") President Gary Oates assured the Board that ESA will produce a highly credible and objective environmental document.

Thereafter, the vote on the pending motion was

Vote: Motion carried 4-0.

AYES: Supervisor McGlashan; Supervisor Adams; Supervisor Murray; Supervisor Brown

ABSENT: Supervisor Kinsey

The Board of Supervisors recessed at 11:24 a.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened at 11:35 a.m. Supervisor Kinsey was absent.

The Board of Supervisors adjourned at 11:36 a.m.

SINE DIE

ATTEST:

PRESIDENT

CLERK