

DRAFT

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY,
DECEMBER 5, 2006, AT 11:18 A.M.

The Board met as the Marin County Housing Authority Board of Commissioners at 9:05 a.m.
and convened as the Board of Supervisors at 11:18 a.m.

Roll Call Present: Supervisor McGlashan; Supervisor Murray; Supervisor Adams

Absent: Supervisor Brown; Supervisor Kinsey

6. OPEN TIME

Homelessness

A member of the public briefly commented on the need to address the concerns of the poor and the homeless and to provide shelter during the winter months.

(Supervisor Brown present at 11:20 a.m.)

(Supervisor Kinsey present at 11:21 a.m.)

Small Business Assistance

A member of the public, using an interpreter, expressed concern regarding multiple tickets she has received from the San Rafael Police Department for the truck used in the course of operating a small business.

3. PRESENTATION OF THE "OUTSTANDING EMPLOYEE TEAM OF THE QUARTER" AWARD

Supervisor Brown announced that the Health and Human Services Department Payroll/Personnel Unit was the recipient of the "Outstanding Employee Team of the Quarter" award and identified the members of the team as follows: Sandy Cheang, Adora Gutierrez, Mariko Kawamura, Denise Martinez, and Pat Thompson. Each member of the Team received a cash award, an engraved plaque, and a gift commemorating the occasion.

Health and Human Services Director Dr. Larry Meredith acknowledged the commitment of the Team and presented the members with the Department's Shining Star award.

2. PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD

Supervisor Brown announced that Linda Fortelka of Health and Human Services was the "Employee of the Month" for November 2006. Supervisor Brown read a list of Ms. Fortelka'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.

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

Health and Human Services Director Dr. Larry Meredith briefly acknowledged Ms. Fortelka for her efforts on behalf of the community and presented her with the Department's Shining Star award.

4. BOARD OF SUPERVISORS' MATTERS

California Product Stewardship Council

Supervisor McGlashan reported that he recently attended a meeting of the California Product Stewardship Council and noted that the Council is involved in discussions regarding State legislation to promote product stewardship to reduce waste and create a sustainable infrastructure.

California State Association of Counties ("CSAC") Conference

Supervisor Kinsey reported that he attended the CSAC conference last week where he met with Marin County's lobbyists and with Supervisors from surrounding counties. Supervisor Kinsey reported that he attended meetings regarding transportation, land use and eminent domain issues.

Supervisor Adams reported that she also attended the CSAC Conference and noted that the annual meeting is an opportunity to meet with representatives from other counties to discuss which local government issues to advance at the State level. Supervisor Adams commented on discussions regarding eminent domain, infrastructure bonds, health and human services, single-payer health insurance and Indian gaming.

California State Assembly

Supervisor Adams advised that she attended the swearing-in ceremony in Sacramento for the new members of the California State Assembly.

Association of Bay Area Governments ("ABAG") Housing Allocations

Supervisor Adams commented on the issue of housing allocations in the unincorporated areas of Marin County.

5. ADMINISTRATOR'S REPORT

Urgency Item - Closed Session

County Administrator Matthew Hymel advised that County Counsel has requested a closed session item be added to the agenda regarding anticipated litigation.

M/s Supervisor Murray - Supervisor McGlashan to determine that the need to take action arose subsequent to the agenda being posted and to add a closed session item to the agenda described as follows: Conference with legal counsel regarding anticipated litigation pursuant to California code section 54956.9(b)(1). Number of potential cases: One.

AYES: ALL

7. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-8)
("CONSENT CALENDAR A" REFLECTS THOSE AGENDA ITEMS THAT HAVE PRIOR
POLICY APPROVAL FROM THE BOARD AND DO NOT EXCEED \$500,000 IN COST)

M/s Supervisor Murray - Supervisor McGlashan to approve Consent Calendar A.

CA-1. Auditor-Controller

- a. Request from Auditor-Controller to adopt Resolution No. 2006-181 amending the FY 2005-06 tax proceeds limit and adopt Resolution No. 2006-182 determining the FY 2006-07 appropriations of tax proceeds pertaining to the County of Marin in accordance with Article XIII-B of the State Constitution (Proposition 4 Gann Initiative).

- b. Request from the Auditor-Controller to adopt Resolution No. 2006-183 authorizing temporary transfer of funds, in an amount not to exceed \$800,000, to the Marinwood Community Service District for meeting obligations incurred for maintenance purposes for FY 2006-07.
- c. Request from the Auditor-Controller to adopt Resolution No. 2006-184 authorizing temporary transfer of funds, in an amount not to exceed \$11,244,733, to the Novato Fire Protection District for meeting obligations incurred for maintenance purposes for FY 2006-07.
- d. Request from the Auditor-Controller to adopt Resolution No. 2006-186 authorizing temporary transfer of funds, in an amount not to exceed \$4,279,802, to the Larkspur School District for meeting obligations incurred for maintenance purposes for FY 2006-07.

CA-2. Board of Supervisors

Supervisor McGlashan requesting the Board adjourn in memory of Elizabeth Terwilliger.

CA-3. County Administrator

- a. Request to adopt Resolution No. 2006-185 continuing the local emergency declarations for the County of Marin, related to recent severe storm damage, in conformance with Government Code Section 8630.
- b. Authorize President to execute agreement with the Family and Children's Law Center, in the amount of \$30,000, for low cost attorney representation at court hearings for low-income persons in need of legal assistance with family law and domestic/family violence issues.
- c. Authorize President to execute FY 2006-07 agreement with Canal Alliance, in the amount of \$40,000, for improvements and continued housing to those unable to find assistance from other sources.

CA-4. Cultural Services

Authorize President to execute agreement with International Creative Management Inc. ("ICM") for presenting The Wayne Shorter Quartet at the Marin Center on February 3, 2007.

CA-5. Fire

Authorize County Administrator to execute agreement with Fairbank, Maslin, Maullin and Associates, in an amount not to exceed \$35,000, to develop and conduct a countywide public opinion survey regarding funding for on-going Wildland Fire Protection and Parks and Open Space programs.

CA-6. Health and Human Services

(NOTE: Agreement in item CA-6e is a renewal of an existing agreement that was included in and funded in the FY 2006-07 budget)

- a. Authorize President to execute California Children's Services ("CCS") and Child Health and Disability Prevention ("CHDP") Certification Statements.
- b. Authorize President to execute FY 2006-07 agreements with Bay Area Community Resources, in the amount of \$55,000; and North Bay Children's Center, in the amount of \$85,000, to develop, implement and promote nutrition education and physical activity.
- c. Request to authorize President to execute amendment to the Grant Renewal agreement (CAPP-5041) with the California Department of Education ("CDE"), amending the General Funding Terms and Conditions, to provide services to at-risk children receiving assistance through Social Services' Child Protective Services.

- d. Authorize President to execute FY 2006-07 agreement with the Workforce Investment Board ("WIBSC") of Solano County, Inc., in the amount of \$46,000, to provide disability navigator services through the Marin Employment Connection.
- e. Authorize President to execute FY 2006-07 agreement with Novato Human Needs Center, in the amount of \$56,093, to provide child abuse and neglect prevention and intervention services.

CA-7. Public Works

- a. Request to approve assignment of existing corporate hangar site C-403 lease located at Gness Field from E-Air, LLC (Paul Erickson); to Aldridge Aircraft, LLC.
- b. Request to approve assignment of existing corporate hangar site C-902 lease located at Gness Field from Masterwork Electronics, Inc., to Steven Scarpa.
- c. Request to adopt Traffic Resolution No. 1098 prohibiting parking on portions of Stadium Avenue in the Almonte area, District 3.
- d. Request to award contract to lowest responsive bidder, Republic ITS of Novato, in the amount of \$97,780 with a \$12,000 contingency, for the Sir Francis Drake Boulevard Traffic Signal Improvements Project; and approve related budget adjustments as detailed in staff report dated December 5, 2006. (Project No. SFDRS)
- e. Approve purchase of forty-one Mobile Data Computers ("MDC") for the Sheriff's Department, in an amount not to exceed \$317,654.01, from Dell Corporation of Austin, TX, using Contract No. A63307 under the Western States Contracting Alliance ("WSCA") Program.

CA-8. Treasurer

Monthly report of County, Schools, and District Investments as of October 31, 2006.

AYES: ALL

8. 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 Brown - Supervisor McGlashan to approve Consent Calendar B.

CB-1. Community Development Agency

- a. Request from the Community Development Agency, Division of Environmental Health Services to (i) accept a \$200,000 federal assistance grant from the U.S. Environmental Protection Agency ("EPA") for septic repairs and improvements; and (ii) make related budget adjustments as detailed in staff report dated December 5, 2006.
- b. Request from the Community Development Agency, Division of Environmental Health Services to (i) accept a \$100,000, Prop 13 grant from the State Water Resources Control Board ("SWRCB") for septic repairs and improvements; and (ii) make related budget adjustments as detailed in staff report dated December 5, 2006.
- c. Request from the Community Development Agency, Division of Environmental Health Services to (i) accept a \$130,430, Waste Tire Enforcement grant from the California Integrated Waste Management Board ("CIWMB"); and (ii) make related budget adjustments as detailed in staff report dated December 5, 2006.
- d. Request from the Community Development Agency, Division of Environmental Health Services to (i) accept a \$49,980, Farm and Ranch Cleanup and Abatement grant from the California Integrated Waste Management Board ("CIWMB"); and (ii) make related budget adjustments as detailed in staff report dated December 5, 2006.

CB-2. Library

- a. Request from the Director of County Library Services to (i) accept \$1,000 donation from the Friends of the Civic Center Library; and (ii) approve related budget actions as detailed in staff report dated December 5, 2006.
- b. Request from the Director of County Library Services to (i) accept \$3,000 donation from the Corte Madera Community Foundation; and (ii) approve related budget actions as detailed in staff report dated December 5, 2006.

AYES: ALL

9. REVIEW REPORT AND APPROVE TRANSFER OF \$100,000 TO FUND NEXT PHASE OF THE ROSS VALLEY INTEGRATED WATERSHED MANAGEMENT PROGRAM

By letter dated December 5, 2006, Public Works Director Farhad Mansourian submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Murray to approve transfer of \$100,000 to fund next phase of the Ross Valley Integrated Watershed Management Program.

AYES: ALL

Supervisor Kinsey commented on the importance of local residents being active partners in this Program. Supervisor Kinsey encouraged staff to consider, if a bond measure is passed in the future, whether a portion of those funds could be returned to the County.

Mr. Mansourian reported that Liz Lewis has been promoted to Principal Planner and will be the Team Leader for this project.

Board members acknowledged Ms. Lewis for her efforts on behalf of the County.

4. BOARD OF SUPERVISORS' MATTERS (CONTINUED)

California State Assembly

Supervisor Adams introduced Joshua Townsend, staff person for Assemblymember Jared Huffman at his Marin Civic Center office.

10. AGREEMENT WITH BKF CONSULTANTS FOR SERVICES RELATED TO THE REHABILITATION OF SIR FRANCIS DRAKE BOULEVARD, FROM SHAFTER BRIDGE TO PLATFORM BRIDGE

By letter dated December 5, 2006, Public Works Director Farhad Mansourian submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Brown to authorize President to execute professional services agreement with BKF Consultants, in an amount not to exceed \$1,500,000, for evaluation, planning, design, outreach, permitting, preparation of California Environmental Quality Act ("CEQA")/National Environment Policy Act ("NEPA") documents, and construction inspection for rehabilitation of Sir Francis Drake Boulevard from Shafter Bridge to Platform Bridge.

The Marin County Bicycle Coalition Director of Planning spoke about the need for including the widest possible shoulders and crosswalk striping in the project and requested that the Coalition be included in future outreach for this and other similar projects.

In response to a question from Supervisor Adams, Mr. Mansourian advised that all Public Works projects now include an Americans with Disabilities Act ("ADA") compliance component.

Thereafter, the vote on the pending motion was

AYES: ALL

11. FIRST READING: ORDINANCE AMENDING MARIN COUNTY CODE SECTIONS 2.50.050(B) AND 2.50.200 OF THE MARIN COUNTY LIVING WAGE ORDINANCE ("LWO"), EFFECTIVE JANUARY 1, 2007, TO INCREASE THE LIVING WAGE RATE BY 2.48%

By letter dated December 5, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Brown to request clerk to read ordinance by title only and schedule merit hearing for December 19, 2006, at 10:30 a.m.

AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for December 19, 2006, at 10:30 a.m.

12. APPROPRIATION ADJUSTMENTS TO FY 2006-07 BUDGET AND THIRD AMENDMENT TO THE AGREEMENT WITH NICHOLS-BERMAN ENVIRONMENTAL PLANNING FOR PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT ("EIR") FOR THE COUNTYWIDE PLAN UPDATE

By letter dated December 5, 2006, Community Development Agency Director Alex Hinds and Deputy Director Thomas Lai submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor Kinsey to: (a) approve appropriation adjustments to FY 2006-07 budget, as detailed in staff report; and (b) authorize President to execute Third Amendment to the agreement with Nichols-Berman Environmental Planning, increasing the contract amount by \$184,985 for a total contract amount of \$727,485, for preparation of the Environmental Impact Report ("EIR") for the Countywide Plan Update.

AYES: ALL

13. FIFTH AMENDMENT TO AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR ADDITIONAL WORK RELATED TO THE PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT ("EIR") FOR THE REDWOOD LANDFILL REVISED SOLID WASTE FACILITY PERMIT ("SWFP")

By letter dated December 5, 2006, Environmental Coordinator Tim Haddad submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Brown to: (a) authorize President to execute Fifth Amendment to agreement with Environmental Science Associates, in an amount not to exceed \$82,645, for additional work to prepare the Environmental Impact Report ("EIR") for the Redwood Landfill Revised Solid Waste Facility Permit ("SWFP"); and (b) approve related budget adjustments as detailed in staff report.

AYES: ALL

14. POSITION ALLOCATION AND BUDGET ADJUSTMENTS RELATED TO THE RECEIPT OF AN ELDER ABUSE TRAINING GRANT

By letter dated December 5, 2006, Health and Human Services Director Dr. Larry Meredith and District Attorney Edward Berberian submitted their report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor McGlashan to approve: (a) addition of 0.5 FTE Health and Human Services Program Coordinator (3 Year Limited Term), effective December 31, 2006, related to the receipt of an Elder Abuse Training Grant award; and (b) related budget actions as detailed in staff report.

In response to a question from Supervisor Brown, County Administrator Matthew Hymel advised that the proposed position term would be tied to the term of the grant.

Thereafter, the vote on the pending motion was

AYES: ALL

15. FY 2006-07 AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO, FOR THE DISBURSEMENT OF RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ("CARE") ACT TITLE I FUNDS FOR THE PROVISION OF HIV/AIDS SERVICES

By letter dated December 5, 2006, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Murray - Supervisor Kinsey to: (a) adopt Resolution No. 2006-178 authorizing execution of agreement; and (b) authorize President to execute FY 2006-07 agreement with the City and County of San Francisco, for the disbursement of Ryan White Comprehensive AIDS Resources Emergency ("CARE") Act Title I funds, in the amount of \$982,406, for the provision of HIV/AIDS services.

AYES: ALL

Supervisor Kinsey directed staff to provide a brief update to the Board during the next quarter regarding the AIDS situation in the Bay Area and in Marin County.

16. RESOLUTION APPROVING INCLUSION OF THE MEDICAL/HEALTH ANNEX IN THE MARIN COUNTY'S OPERATIONAL AREA EMERGENCY OPERATIONS PLAN

By letter dated December 5, 2006, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

Public Health Officer Dr. Fred Schwartz briefly summarized the Medical/Health Annex.

In response to a question from Supervisor Adams, Dr. Schwartz advised that the Appendices are complete, but noted that they are living plans that are constantly being improved and updated. Supervisor Adams advised that she would support making the Plan available to the public on the County's website.

Supervisor Adams suggested that language be added to Page 16 under Risk Communications and Public Information to add the use of public access television. Supervisor Adams also suggested that the Plan include information regarding the use of Community Emergency Response Training ("CERT") and Disaster Area Response Team ("DART") trained community members.

Supervisor McGlashan commented on the need to create parameters for utilizing members of the Board of Supervisors and City Council members in an emergency or disaster.

M/s Supervisor Murray - Supervisor Kinsey to adopt Resolution No. 2006-179, incorporating the Medical/Health Annex into the Marin County Operational Area emergency Operations Plan.

AYES: ALL

17. ADD 1.0 FTE ONE YEAR LIMITED TERM ADMINISTRATIVE SERVICES ASSOCIATE EFFECTIVE DECEMBER 5, 2006, TO SUPPORT THE MARIN EMERGENCY RADIO AUTHORITY ("MERA"), MARIN GENERAL SERVICES AUTHORITY ("MGSA") AND MARIN TELECOMMUNICATIONS AGENCY ("MTA") JOINT POWERS AUTHORITIES ADMINISTRATION

By letter dated December 5, 2006, Information Services & Technology Director David Hill submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Kinsey - Supervisor Murray to: (a) add 1.0 FTE one year limited term Administrative Services Associate (Position #0319), effective December 5, 2006, to support the Marin Emergency Radio Authority ("MERA"), Marin General Services Authority ("MGSA"), and Marin Telecommunications Agency ("MTA") Joint Powers Authorities administration; and (b) approve related budget actions as detailed in staff report.

AYES: ALL

18. HEARING: CONSIDERATION OF RESOLUTION APPROVING THE ISSUANCE OF DEBT BY THE MARIN EMERGENCY RADIO AUTHORITY ("MERA") JOINT POWERS AUTHORITY FOR PUBLIC SAFETY AND EMERGENCY RADIO SYSTEM PROJECT FINANCING, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 6586

By letter dated December 5, 2006, County Administrator Matthew Hymel submitted his report and recommendations regarding the above-captioned matter.

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

Supervisor Kinsey introduced Michael Garvey, Marin Emergency Radio Authority ("MERA") Acting Executive Director.

M/s Supervisor Kinsey - Supervisor Murray to adopt Resolution No. 2006-180, approving the issuance of debt by the Marin Emergency Radio Authority ("MERA") Joint Powers Authority for Public Safety and Emergency Radio System project financing, pursuant to California Government Code Section 6586.

AYES: ALL

19. CHILD SUPPORT SERVICES DIRECTOR TO TAKE ACTIONS RELATED TO THE ESTABLISHMENT OF AN ENHANCED COURT COLLECTIONS PROGRAM, PURSUANT TO SB 940

By letter dated December 5, 2006, Department of Child Support Services Director Keith Pepper submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Brown - Supervisor McGlashan to: (a) authorize President to execute Memorandum of Understanding ("MOU") with the Marin County Superior Court to create the Enhanced Court Collections Program; and (b) approve the addition of 6.0 FTE positions to the Department of Child Support Services, as detailed in staff report dated December 5, 2006, to administer the program.

AYES: ALL

20. APPOINTMENTS

a. Airport Land Use Commission

One At-Large term expiration. Applications have been received from Dean Bullock, Scott Hochstrasser, and Richard Nave (incumbent).

M/s Supervisor Murray - Supervisor Kinsey to appoint Richard Nave.

AYES: ALL

b. Civic Center Conservancy

Scheduled appointments for January 9, 2007, for two term expirations for BOS appointees (Lynn Downey and Joan Roberts, incumbents).

c. County Service Area ("CSA") #29 Advisory Board - Paradise Cay

Scheduled appointments for January 9, 2007, for three term expirations as follows: Harry Blake, Robert Cerf and Eugene Royal.

d. Developmental Disabilities Area Board V

Scheduled appointments for January 9, 2007, for two term expirations for the following Marin County representatives: Carol Anne Essick and Robin Gerrity.

e. Golden Gate Bridge District Board of Directors

Scheduled appointment for January 9, 2007, for one term expiration for the Public Member appointed by the Marin County Board of Supervisors (Dietrich Stroeh, incumbent).

f. In-Home Supportive Services ("IHSS") Public Authority Governing Board

Scheduled appointments for January 9, 2007, for two vacancies as follows: One representing District 3 Consumers due to the resignation of Dan Malardino and one representing At-Large Providers due to the resignation of JoAnne Weber.

g. Parks and Open Space Commission

Scheduled appointments for January 9, 2007, for six term expirations as follows: One representing District 1 (Rick Fraites, incumbent), one representing District 5 (William Long, incumbent), and four At-Large seats (John Catts, Raphael Durr, Linda Novy and Jean Starkweather, incumbents).

h. Peace Conversion Commission

Scheduled appointments for January 9, 2007, for two At-Large term expirations (Andy Peri and Sandy Shartzter, incumbents).

The Board recessed at 12:16 p.m. to meet as the Marin County Flood Control and Water Conservation District Board of Supervisors and the Marin County Open Space District Board of Directors and reconvened as Board of Supervisors at 12:23 p.m.

The Board of Supervisors recessed at 12:24 p.m. to meet in closed session.

23. CLOSED SESSION

The Board met in closed session at 12:30 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: Bissig v. County of Marin, Proceeding No. SFO 560753.
- b. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of Case: Broyles v. County of Marin, Proceeding Nos. SFO 0448690, 0448691 and 0448692.
- c. Appointed Department Head evaluation (Community Development Agency Director) pursuant to California Government Code Section 54957.
- d. Conference with legal counsel regarding anticipated litigation pursuant to California code section 54956.9(b)(1). Number of potential cases: One.

The Board reconvened in open session at 1:48 p.m.

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

24. HEARING: BINFORD ROAD LLC STORAGE FACILITY DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, COUNTYWIDE PLAN AMENDMENT, REZONING, MASTER PLAN, LAND DIVISION, AND TIDELANDS PERMIT

By letter dated December 5, 2006, Community Development Agency Director Alex Hinds and Acting Principal Planner Johanna Patri submitted their report and recommendations regarding the above-captioned matter. Mr. Hinds stated that on September 11, 2006, the Planning Commission unanimously recommended to the Board denial of the Binford Road LLC Storage Facility Countywide Plan Amendment, Rezoning, Master Plan, Land Division, and Tideland Permit applications. On behalf of the Planning Commission, staff recommended that the Board adopt the resolution denying the applications.

Ms. Patri gave a visual presentation illustrating the Binford Road LLC Storage Facility proposal which requires a Countywide Plan Amendment and Rezoning to develop the western 29 acres (16.25 acres of dryland) of the 47.3-acre project site as a multi-purpose self-storage facility. The project includes maintaining 4.1 acres of wetlands restored as part of the 2000-2001 site clean-up and restoring an additional 2.5 acres as tidal wetlands. Ms. Patri stated that the project was proposed to be developed in three phases. Ms. Patri gave a brief overview of the background of the project site and the 1996 Stipulated Judgment ordering cleanup of the site.

Ms. Patri reported that the Planning Commission's recommended action to deny the proposed project was based on inconsistencies between the project and current Countywide Plan ("CWP") Environmental policies relating to the Bayfront Conservation Zone as well as the finding that it would be premature to consider amending the CWP land use designation and zoning changes for the project site in advance of completion of the current CWP update.

Attorney Neil Sorensen representing the applicant, Binford Road LLC, addressed the Board and gave a brief history of the property noting that a canal through the center of the site has existed since the early 1920's. Mr. Sorensen reported on several issues including conditions of a 1977 Stipulated Judgment and a 1996 Stipulated Judgment, results of the 2000 Environmental Assessment adopted by the Planning Commission, and the restoration of wetlands as part of the 2000-2001 site clean-up. Mr. Sorensen presented a modified plan that would reduce development to the western 19.34 acres (9.54 acres of dryland) of the 47.3-acre site and increase wetlands restoration to 8.25 acres. All acreage (27.96 acres) east of the development would be dedicated to open space.

Mr. Sorensen concluded his report and advised that the modified project proposes reasonable development of the site, while respecting the environmental constraints of the area.

In response to a question from Supervisor Murray regarding the modified conceptual site plan, Ms. Patri briefly commented on the modified plan and advised that more time was needed to review the abstract plan. Ms. Patri reported that during the original review of the proposed project by staff, build-out of Phase I appeared to be acceptable.

Mr. Sorensen responded to several questions from the Board regarding drainage, size of buildings, turnaround for emergency vehicles, and excavation and fill work.

Board members and staff discussed several issues around the modified plan, including hydrology calculations and holding ponds, a restoration plan for the additional acreage proposed to be restored, and distance of the modified development from the wetlands.

The hearing was declared open for public comment.

Representatives of the Marin Conservation League, the Sierra Club Marin Group, the Marin Audubon Society, and a member of the public expressed concerns regarding preservation of environmental resources and urged the Board to deny the Binford Road LLC Storage Facility applications as recommended by the Planning Commission.

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

Board members and staff continued to discuss several concerns including potential inconsistencies with the 2000 Environmental Assessment, the need for the preparation of an Environment Impact Report ("EIR"), green building practices, and potential inconsistencies with CWP plan policies of the Bay Front Conservation Zone.

Supervisors Murray and Kinsey urged Board members to come to a decision today and briefly commented on several public benefits of this project including open space protection and an increase in wetlands.

Supervisors McGlashan and Adams briefly commented on the negative declaration proposal, toxic elements of the project site, and considered a review of the applicant's modified proposal by the Planning Commission.

Planning Commissioners Don Dickenson and Randy Greenberg addressed the Board and advised that the Commission had decided unanimously that given the location and setting of the project site and the Binford Road LLC Storage Facility proposal, a negative declaration was not appropriate; an EIR should be required for the proposed project; and as proposed, Phase I did not address the concerns of the Planning Commission.

Supervisor Brown suggested staff review the modified project and bring the project back to the Board at a future date.

M/s Supervisor Kinsey - Supervisor Murray to continue the Binford Road LLC Storage Facility Countywide Plan Amendment, Rezoning, Master Plan, Land Division, and Tidelands Permit hearing within eight weeks in order to provide staff time to review the modified proposal from the applicant and to provide a staff response to that proposal.

Supervisor Murray requested that the hearing be continued to December 19, 2006.

Thereafter, the maker of the motion agreed to amend the motion to continue the hearing to December 19, 2006. The seconder of the motion accepted the amendment to the motion.

M/s Supervisor Kinsey - Supervisor Murray to amend the motion to continue the Binford Road LLC Storage Facility Countywide Plan Amendment, Rezoning, Master Plan, Land Division, and Tidelands Permit hearing to December 19, 2006.

Vote: Motion carried 3-2

AYES: Supervisor Brown, Supervisor Kinsey, Supervisor Murray.

NOES: Supervisor McGlashan, Supervisor Adams.

The Board recessed at 3:15 p.m. to meet in closed session.

The Board recessed at 4:55 p.m. to meet in open session.

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 4:55 p.m. in memory of Elizabeth Terwilliger.

SINE DIE

PRESIDENT

ATTEST:

CLERK