

MINUTES

PLEASE NOTE THERE WILL BE NO MEETING OF THE
BOARD OF SUPERVISORS ON NOVEMBER 8, 22, AND 29, 2011

The meeting was called to order at 9:02 a.m.

November 1, 2011

PLEDGE OF ALLEGIANCE

ROLL CALL – Present: Supervisors Pine, Groom, Horsley, Jacobs Gibson, and Tissier
Absent: None

1. 9:00 a.m. ORAL COMMUNICATIONS AND PUBLIC TESTIMONY ON CONSENT OR CLOSED SESSION AGENDA ITEMS

Speakers recognized by the President:

Michael Stogner, San Carlos
Carole Setzer, San Mateo
Martin Fox, Belmont
Pat Bell, San Carlos

If your subject is not on the agenda, or if you wish to speak on a consent or closed session agenda item, the President will recognize you at this time. **Speakers are customarily limited to two minutes.** A speaker's slip is required.

2. [REGULAR AGENDA](#) (SEE PAGE 6)
[CONSENT AGENDA](#) (SEE PAGE 7)

Item 21 was transferred from the Consent to the Regular agenda.

Motion Horsley / Second: Jacobs Gibson

All items on the consent agenda are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

Motion to set agenda: Horsley / Second: Jacobs Gibson

3. CLOSED SESSION

The Board will adjourn to closed session to consider the following items at the end of the agenda, or at any time during the meeting as time permits. At the conclusion of closed session, the Board will reconvene in open session to report on any actions taken for which a report is required by law.

- A) Public employee performance evaluation: County Manager, County Counsel

The Board recessed to the regular Closed Session at 1:31 p.m. and at 4:10 p.m.

**The Board reconvened the open session at 2:37 p.m. and at 4:58 p.m.
County Counsel made the following report: No reportable action was taken.**

MATTERS SET FOR SPECIFIED TIME

Times listed under this section are approximate. The Board makes every effort to adhere to the times listed, but in some cases, because of unexpected presentations, items may not be heard precisely at the time scheduled. In no case will any item be heard before the scheduled time.

4. 9:00 a.m. Presentation on the America's Cup (Supervisor Carole Groom)

Speakers recognized by the President:

Supervisor Carole Groom, Board of Supervisors
Adam Van de Water, Assistant Project Director - 34th America's Cup
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Don Horsley, Board of Supervisors
Supervisor Rose Jacobs Gibson, Board of Supervisors

5. 9:00 a.m. Presentation of a proclamation **(3263)** designating November 2011 as Adoption Month (Supervisor Carole Groom)

Speakers recognized by the President:

Supervisor Carole Groom, Board of Supervisors
Deborah Torres, Human Services Agency
Deborah and Cliff Kemper, Foster/Adoptive Parents
Pat Bell, San Carlos

Motion: Groom / Second: Pine

6. 9:15 a.m. Resolution authorizing the County Manager or his designee to:

- A) Execute an agreement with Stanford University to extend for two additional years to December 31, 2013, the terms of the Stanford University offer to fund improvements to the trail along Alpine Road between Portola Valley and Menlo Park; and

B) Proceed with all necessary steps to bring a proposed Lower Alpine Trail Improvement project to this Board for consideration within the time frame set forth in the extension agreement with Stanford University

- 1) Report and recommendation
- 2) Close public hearing

Motion: Tissier / Second: Horsley

- 3) Adopt resolution

**Motion to amend the resolution and agreement: Tissier /
Second: Horsley**

By a 4-1 vote, the Board directed staff to meet with Stanford and Santa Clara to discuss amending the agreement to include the study of six (6) options, including trail alignments on Stanford land, and for Stanford to pay for the study of all options presented in the EIR studies and to pay for the construction of the selected option, and to extend the timeline dates.

**Ayes: Supervisors Pine, Horsley, Jacobs Gibson and Tissier
Noes: Groom**

Speakers recognized by the President:

Jim Porter, Public Works
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Dave Pine, Board of Supervisors
Supervisor Carole Groom, Board of Supervisors
Janet Davis, Menlo Park
John Peterson, Menlo Park
Ian Peterson, Menlo Park
Christine Martens, Portola Valley
Diana Gerba, Menlo Park
Barbara Ann Barnett, Menlo Park
Farook Afsari, Menlo Park
Joseph Brown, Menlo Park
Claire Collins, Los Angeles
George Mader, Portola Valley
Susan Gold, Portola Valley
Lennie Roberts, Committee for Green Foothills
Mel Rubin, Portola Valley
Nöel Hirst, Portola Valley
Brian D. Wall, Portola Valley
Joseph Dworak, Portola Valley
Ron Alexander, Menlo Park
Susie Cohen, Menlo Park
Arlene Lindblom, Menlo Park
Alan Goetz, Portola Valley
Luke Vania, Menlo Park
Pete Peirce, Menlo Park

Karen Ferguson, Menlo Park
Paul J. Utz, Portola Valley
Heidron Utz, Portola Valley
Sarah DiBoise, Menlo Park
Larry Horton, Stanford University
Suzanne Serpas, Portola Valley
Rob Decker, Portola Valley
Lovinda Beal, Menlo Park
Jeff Blohm, Portola Valley
Lauren Schoenthaler, Portola Valley
Scott T. Spencer, Menlo Park
Gayle Spencer, Menlo Park
Walter Nelson, Menlo Park
Ginger Holt, Menlo Park
Johanna Putnoi, Menlo Park
Massimiliano Fatica, Menlo Park
Steve Schmidt, Menlo Park
Shandon Lloyd, Portola Valley
Andy Tucker, Portola Valley
Andrea Felsovanyi, Menlo Park
Sidney Overland, Menlo Park
Alicia Torregrosa, Menlo Park
Susanne Delzell, Menlo Park
Kristin Galvin, Portola Valley
Jon Silver, Portola Valley
Supervisor Don Horsley, Board of Supervisors
John Beiers, County Counsel
Supervisor Rose Jacobs Gibson, Board of Supervisors

7. 9:30 a.m. Public hearing to consider resolutions amending the North Fair Oaks Community Plan, adopting: (Planning and Building)
- A) A comprehensive amendment to the North Fair Oaks Community Plan; and directing staff to, at a later date, to prepare amendments to the County's Zoning Ordinance to implement the updated Community Plan and to prepare an Implementation Program for the amended Community Plan; and
 - B) A Statement of Overriding Considerations related to Environmental Impacts identified in the Final Environmental Impact Report for the amended North Fair Oaks Community Plan; a mitigation monitoring program for the mitigation measures described in the Final Environmental Impact Report; and certifying the Final Environmental Impact Report prepared for the amended North Fair Oaks Community Plan as complete and adequate
 - 1) Report and recommendation
 - 2) Close public hearing
 - 3) Adopt resolutions

This item was continued to the meeting of November 15, 2011.

8. 9:30 a.m. Public hearing to consider an appeal of the Planning Commission's decision to approve the Hodge and County Parks Project, consisting of an after-the-fact Coastal Development Permit, and certification of a Mitigated Negative Declaration to legalize land clearing on two parcels located at the corner of Magellan and Alameda Avenues, unincorporated Miramar area. This project is appealable to the California Coastal Commission. (Appellant: Evy Smith / Applicants: David and Hi-Jim Hodge) (Planning and Building)

- A) Report and recommendation
- B) Close public hearing

The public hearing was closed.

- C) Appeal was denied based on information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal and upheld the decision of the Planning Commission to approval the "After-the-Fact" Coastal Development Permit, and certified the Mitigated Negative Declaration, subject to the findings and conditions of approval included in Attachment A.

Motion: Tissier / Second: Horsley

Speakers recognized by the President:

Jim Eggemeyer, Planning and Building
Dave Holbrook, Planning and Building
Supervisor Don Horsley, Board of Supervisors
David Hodge, Applicant
Evy Smith, Appellant
Supervisor Dave Pine, Board of Supervisors
Supervisor Adrienne Tissier, Board of Supervisors
Lennie Roberts, Committee for Green Foothills
Bill Kehoe, Midcoast Community Council
Kathryn Slater-Carter, Montara
Tim Fox, County Counsel

**Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None**

9. 9:45 a.m. Public hearing to consider an appeal of the Planning Commission's decision to deny the Hodge project, consisting of a certification of a Mitigated Negative Declaration and a Variance, Coastal Development Permit and Coastsides Design Review, for a new 2,692 square foot single-family residence with attached two-car garage, with side yard setbacks of 5 to 7 feet, where a 10-foot minimum side yard setback is otherwise required, located at 97 Alameda Avenue, unincorporated Miramar. This project is appealable to the California Coastal Commission. (Planning and Building)

- A) Report and recommendation
- B) Close public hearing

Motion: Tissier / Second: Horsley

- C) Appeal was denied based on information provided by staff and evidence presented at the hearing, the Board of Supervisors voted to uphold the Planning Commission's decision to deny the project as submitted.

Motion: Tissier / Second: Pine

Speakers recognized by the President:

Dave Holbrook, Planning and Building
Supervisor Adrienne Tissier, Board of Supervisors
Tim Fox, County Counsel
Supervisor Dave Pine, Board of Supervisors
Supervisor Don Horsley, Board of Supervisors
David Hodge, Applicant /Owner
Dave Byers, Attorney for the Hodges
Lennie Roberts, Committee for Green Foothills
Bill Kehoe, Midcoast Community Council
Kathryn Slater-Carter, Montara

Ayes: Supervisors Pine, Groom, Horsley, Jacobs Gibson and Tissier
Noes: None

- 10. 2:30 p.m. Board of Supervisors Study Session: Economic Development
Hall of Justice, Board of Supervisors Chambers, 400 County Center, First Floor,
Redwood City

REGULAR AGENDA

COUNTY MANAGER

- 11. County Manager's report – **No report.**

BOARD OF SUPERVISORS

- 12. Board members' committee reports

Supervisor Adrienne Tissier congratulated all those who participated in the Heart Walk, and announced that the county raised over \$50,000; Supervisor Tissier congratulated Gaye Berger whose team raised \$7,590 and Veena Kumar who raised \$3,358 on her own and was the third highest individual Heart Walk fundraiser on the Peninsula.

Supervisor Tissier announced the Seniors on the Move Conference will be taking place at 9:00 a.m. on Thursday, November 10, 2011 at the South San Francisco Conference Center, 255 South Airport Boulevard, South San Francisco

Supervisor Dave Pine announced that his Legislative Aide, Matt Jacobs is leaving the county after 5 years of service. He thanked him for his service and wished him luck in his new position with Kaiser Permanente.

Supervisor Carole Groom announced the Food for Fines program during the month of December that results in cleared fines for overdue books and collected food for the Second Harvest Food Bank. Books and food can be brought to any of the San Mateo County libraries.

CONSENT AGENDA

All items on the consent agenda are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

13. Approve the minutes for the meeting of October 18, 2011

BOARD OF SUPERVISORS

14. Ratification of a resolution **(3264)** honoring The Peninsula Hills Women's Club for fifty years of service (Supervisor Don Horsley)
15. Ratification of a proclamation **(3265)** designating November 12, 2011 as Toastmasters' Day in San Mateo County (Supervisor Carole Groom)

COUNTY COUNSEL

16. Approve the proposed process to appoint a member to the Board of Directors of the Westborough Water District

COUNTY MANAGER

17. Approve the Board of Supervisors' meeting schedule for calendar year 2012

GOVERNING BOARD

18. Acting as the Governing Board of the San Mateo County Flood Control District, adopt a resolution **(071702)** authorizing the President of the Board to execute a Memorandum of Understanding to define the roles and responsibilities of each member agency of the Bay Area Flood Protection Agencies Association in establishing, maintaining, and utilizing an expenditure account for the term of 25 years (Department of Public Works)
19. Acting as the Governing Board of the Fair Oaks Sewer Maintenance District, adopt a resolution **(071703)** setting a time and place for a public hearing to consider the proposed annexation of the Lands of Daley located at 205 Lindenbrook Road, Woodside to the Fair Oaks Sewer Maintenance District (Department of Public Works)
(Tuesday, December 13, 2011 at 9:30 a.m.)
20. Acting as the Governing Board of the Fair Oaks Sewer Maintenance District, adopt a resolution **(071704)** setting a time and place for a public hearing to consider the proposed annexation of the Lands of Hollister located at 245 Laning Drive, Woodside to the Fair Oaks Sewer Maintenance District (Department of Public Works)
(Tuesday, December 13, 2011 at 9:30 a.m.)

HEALTH SYSTEM

21. Resolution **(071705)**:

- A) Waiving the Request for Proposals process and authorizing an agreement with the City of Redwood City for the provision of alcohol and drug prevention services for the term of July 1, 2011 through June 30, 2012 in an amount not to exceed \$150,000, no Net County Cost; and
- B) Authorizing the Chief of the Health System or her designee to execute subsequent amendments and minor modifications in an amount not to exceed \$25,000

This item was moved to the regular agenda.

Speakers recognized by the President:

Martin Fox, Belmont
Supervisor Don Horsley, Board of Supervisors

Motion: Horsley / Second: Jacobs Gibson

22. Resolution **(071706)** authorizing:

- A) An agreement with San Mateo Multispecialty Physicians for the provision of internal medicine, cardiology, subspecialty and hospitalist services for the term of October 1, 2011 through September 30, 2014 in an amount not to exceed \$14,527,923; and
- B) The Chief of the Health System or her designee to execute subsequent amendments and minor modifications in an amount not to exceed \$25,000

23. Resolution **(071707)** authorizing an amendment to the agreement with the State of California Managed Risk Medical Insurance Board extending the term through September 30, 2012, increasing the amount by \$299,530 to \$2,804,429, no Net County Cost

HUMAN RESOURCES

24. A) Report recommending denial of the following claims: (Non-Culpable)

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|--|--|
| Allstate / Scott and Jill Wilson | Quesco Kitchen Warehouse, Inc., DBA Quesco Cabinets |
| Marissa Archuleta | Alfredo Soto |
| Leonid Blyukher | State Farm / Sandra Sekioka |
| California Public Records Research, Inc. | Wendy Kandil and Febronio Mendoza (Minor) |
| Jeannie Creedon | Jill Wilson |
| Remedios Martinez | |
| Yvonne M. Newhouse, Trustee, The David E. and Yvonne M.C. Newhouse Family Trust | |

B) Application to present a late claim: No statutory basis for excuse

Loretta Keenan

25. Introduction of an ordinance amending the salary ordinance and accepting the report on the total number of positions in the County and waiver of reading the ordinance in its entirety

This item was continued to the meeting of November 15, 2011 for adoption.

PLANNING AND BUILDING

26. Accept the written report describing the measures taken to alleviate the condition which led to the adoption of the Urgency Ordinance amending Division VII, Section 9025 of the San Mateo County Building Regulations, and directing staff to issue a letter summarizing these measures under the signature of the President of the Board of Supervisors

PROBATION

27. Resolution **(071708)** authorizing a transfer in the amount of \$1,118,238 from various accounts to Salaries and Benefits to fund the new positions for partial service delivery for AB 109 clients in San Mateo County (4/5ths vote required) (Continued from the meeting of October 18, 2011 to approve the amended dollar amount)
28. Adoption of an ordinance **(04590)** amending the Master Salary ordinance, previously introduced on October 18, 2011 and waiver of reading the ordinance in its entirety

PUBLIC SAFETY COMMUNICATIONS

29. Resolution **(071709)** authorizing an agreement with the City of San Carlos for the provision of public safety communications services for the term of November 11, 2011 through June 30, 2016 in the amount of \$318,500, \$288,500 for service charges for the first seven months and a one- time fee not to exceed \$30,000, with fees to be determined for future years during the term of the agreement

SHERIFF

30. A) Resolution **(071710)**:
- 1) Accepting the FY 2011 Edward Byrne Memorial Justice Assistance Grant Program for the term of October 1, 2010 through September 30, 2014 in the amount of \$81,122, no Net County Cost; and
 - 2) Authorizing the Sheriff or his designee to execute all necessary documents in connection with the grant including but not limited to agreements, amendments, and grant assurances
- B) Resolution **(071711)** authorizing a transfer in the amount of \$81,122 from Unanticipated Revenue to Services and Supplies (4/5ths vote required)

31. A) Resolution **(071712)**:
- 1) Accepting the FY 2011 Forensic DNA Backlog Reduction Program grant for the term of October 1, 2011 through March 31, 2013 in the amount of \$213,288, no Net County Cost; and
 - 2) Authorizing the Sheriff or his designee to execute all necessary documents in connection with the grant including but not limited to agreements, amendments, and grant assurances
- B) Resolution **(071713)** authorizing a transfer in the amount of \$213,288 from Unanticipated Revenue to Services and Supplies (4/5ths vote required)

The meeting adjourned at 4:58 p.m. in memory of Marie Mulcrevy, Fred Martel, Ken Gillespie, Anthony Andrighetto, Wayne Kingsford Smith, and Roland Giannini.