

BEL MARIN KEYS COMMUNITY SERVICES DISTRICT

Regular Board of Directors Meeting

Location: Bel Marin Keys Community Center, 4 Montego Key, Novato, CA 94949

Date: Thursday, February 16, 2017

MINUTES

Directors:

Darrick Chase, President

Vince Lattanzio, Vice-President

Cheryl Furst

Mercy Angelopoulos

Mark Montobbio

- I. **Call to Order, Please Turn Off Your Cell Phones: 7:35PM**
- II. **Pledge of Allegiance:**
- III. **Roll Call: Chase, Lattanzio, Montobbio, Furst Absent: Angelopoulos**
- IV. **Agenda Approval: Agenda approved as presented.**

- V. **Approval of Minutes**
 - ** MOTION to approve minutes from the Regular Board Meeting of November 15, 2016.**
 - M/S: Chase, Montobbio**
 - Vote: Chase, Montobbio, Lattanzio, Furst Absent: Angelopoulos**

 - **MOTION to approve the minutes from the Special Board Meeting of February 2, 2017.**
 - M/S: Chase, Furst**
 - Vote: Chase, Montobbio, Lattanzio, Furst Absent: Angelopoulos**

- VI. **Open Forum (please observe a three-minute time limit)**

kellen Dammann- Marin County Community Development Agency – addressed the Board and audience with programs available to residents such as the energy upgrade California for projects including new windows, efficient furnace upgrade, insulation improvements and more. Residents can call the Community Development Agency at (415) 473-2698 for more information on these and other programs.

- VII. **Presentation by Community Development Director Bob Brown: Review of the rezoning revisions to the Bel Marin Keys Industrial Parks Master Plan to accommodate the Biotech/Life Science Campuses.**

Mr. Bob Brown noted that he was present to share information on the rezoning revisions to the Bel Marin Keys Industrial Park Master Plan to accommodate the Biotech and Life Science Campuses. He noted that the purpose of the study was to consider revision to the Bel Marin

Keys Industrial park Master Plan proposed by the Novato biotech industry for the purpose of retaining and expanding the sector of the local economy. Staff was tasked to prepare an objective analysis of the potential benefits and impacts of the proposed Master Plan to be considered by the Planning Commission and the City Council. He noted that in June of 2016 BioMarin requested the City Council to consider modifications to the BMK Industrial Park Master Plan as part of the General Plan Update and Environmental Impact Report (EIR). The Council then directed staff to define possible zoning modification and hold initial community meeting. In August –October of 2016 city staff met with biotech industry representatives to understand the request. In January of 2017 a community meeting was held to introduce proposed study parameters and process and in that same month the City Council confirmed to study the proposed zoning amendments in the general plan EIR. Mr. Brown noted that through June of 2017 they will evaluate the proposed zoning changes (ie traffic, parking and visual) in the EIR being prepared for the General Pan 2035. In July of 2017 the public will have a chance to 17 draft EIR-45 days submit comments in writing. Every comment by law needs to be responded in writing it then goes to the planning department for review and finally to the City Council in September/October of 2017.

Mr. Brown continue to provided a history of the Industrial Park and the allowances for use such as industrial, manufacturing and business service use (not including retail sales or personal services activities) laboratories, sale repairs of industrial or manufacturing equipment, warehousing and professional or administrative office and not having noise, odor, dust or smoke or glare. He continued to provide information on the BioMarin and North Bay Life Science Alliance and the proposals they submitted which encourages and reflects the needs and development of the biotech/life science campuses. The proposal only applies to the Ignacio and Hamilton Industrial Parks. He provided examples of the height limits and examples of other campuses in South San Francisco and Vacaville. He noted the proposed development cap would evaluate a cap of 300,000 or 500,000 of additional building space allowable under the campus designation which is a ten year projection; building heights up to 68' with 8" for mechanical (76" total), and floor area ration would be 1.2 rather than the .06 as it currently is the lot coverage would remain the same.

As far as the EIR Mr. Brown noted that the scope would look at the following items aesthetics, traffic, safety, parking and air quality. He stated that significant impacts identified to be mitigated and the City Council has the discretion to approve or deny legislative changes based on concerns for the community health, safety and welfare.

Vice-President Lattanzio noted that the slide presentation provided tonight is different then what is posted on the website. Mr. Brown noted that some slides are different but it's the same information provided at the community meeting in January and the updated presentation will be available on the website at novato.org/bmk.

Director Montobbio asked who pays for the EIR report? Mr. Brown noted that the City will pay for a portion with the other being paid by the biotech company.

Director Montobbio asked who selects the consultant and are they being hired by BioMarin? Mr. Brown noted that the City selects the consultant and hired by the City but paid in part by the biotech company, which they have committed to pay for half of the cost.

President Chase asked what sort of cross reference is done before they are hired? And what guidance is Mr. Brown given before selecting the consultant? As well as, any prior relationship with the consultant and Mr. Brown? Mr. Brown noted that consultant that was hired is called Rincon Consultant and suggest Googling them. He noted there was a request for proposal and one received one and the reason was that that there is so much development going on that consultants are maxed out, and therefore, the one submittal. he is not aware of any work done for BioMarin or other biotech companies. He noted that when they were hired this was not part of the deal at that time and positive there was no conflict of interest and the consultants do objective analysis.

President Chase asked why this site in particular is being targeted and if there was other alternatives? Mr. Brown noted that BioMarin wants to stay here they have administrative offices in San Rafael, satellite facility in Ireland, as well as, Novato and want to stay in Novato and have spent an enormous amount of money in the buildings in the Industrial Park and don't want satellite facilities. The building at Fireman's Fund's is not conducive to this type of business and the more investment done in this community the harder it is for them to walk away. The only other alternative is down by San Marin Drive and Birkenstock and they are not interested in selling. The other alternative is down by the Buck Institute but that in itself is a challenge and BioMarin not interested in satellite offices.

President Chase noted that BioMarin is coming to the City to revise a plan in existence since 1978 and the city holds all the cards, and there are other places, and seem that this looks like an easy play for BioMairin and believe they have the votes from the City Council and don't see the benefit of having them expand and creating more traffic and the other concern is the matter in how it has been done. Mr. Brown noted that answers to impacts are same answers the City wants and needs data by an independent third party and that is what the City is doing and this is not in a fast track. The meeting notice was to start a dialogue and happy to go and talk about this when the ERI is done and have real answers.

Vice-President Lattanzio asked for clarification on staff report and caps and employee numbers and rezoning changes that could mean the whole 200 acres, as well as, caps being permanent? Mr. Brown noted that BioMarin could in essence increase employees with current zoning; however, the re-zoning would require them to get approval from the Council for the campus, and, no, caps are not permanent and take the City Council to change them as them the same for any zoning.

Vice-President Lattanzio asked what the City gains from changing the zoning? Mr. Brown noted that he can't quantify that right now and suspect that the Council may be a motivation is high paying jobs for residents and strong local economy. The City would not get retail sale dollars and see the industrial park and job incubator. An economic study will be done and posted to the website. Public benefits to the resident of Novato to gain by the rezoning and housing not

happening? Mr. Brown noted housing developments are underway and looking to build an economy that is more resilient and can take a recession.

Members of the Board and the public addressed concerns with one access point in and out of Bel Marin and the traffic impacts to emergency vehicles or being able to get out in case of an emergency. Mr Brown noted he did not know the answer that and that was the purpose of the traffic study and will have a traffic engineer to do a traffic count.

Other residents raised the concern on the tankers used by BioMarin and what they hold. Mr. Brown noted that was a question for them.

Mr. Shreibman noted that the roads and services are still not adequate and if industrial park is approved they need to be good neighbors and the need of this community need to be met. Don't hear any mention for light pollution and the displacement of animals, as well as, communicating with the District as to what the City is creating and other upcoming projects.

Resident brought up the concern with the EIR and visual impacts. Mr. Brown noted that the EIR looks at impacts and alternatives and under CEQA visual impacts are from public vantage points.

Vice-President noted this was a poor vetted process and needs to be brought to the City Council and the project is not suitable or appropriate for Novato and Bel Marin Keys. Look at impacts to our community lifestyle which should also be include in the EIR, as well as, impacts to the wildlife.

Resident raised concerns with the heights changes to the buildings and lack of outreach by the City and believes that the rezoning will not be done in a professional fashion. Other residents raised their concerns with the need for story poles not photo montages no have accurate visual of the height.

President Chase advised resident to continue to be informed and voice their concern to the City Council.

VIII. District Managers Report

-Tax received in December for 2016 amount to the following: Operating \$238, 866.21, Waterways \$258,761.41, Measure E \$124, 230.28 and Measure F \$251,165.11. The amounts received for Measures E and F will be used for the loan payments due on March 1nd.

- The District has received the second installment for the Measure A fund for fiscal year 2016-2017, the total amount received is \$ 54, 153.42, which was 802.32 higher than fiscal year 2015-2016. The funds are disbursed in September and January of each fiscal year. The current amount in that account is \$126, 818.23.

- A the annual Form 700 are due April 1st for the 2016 period, and will have them at the next Board meeting.

-Attended the Marin LAFCO special meeting on January 26th, and they have outlined their study schedules which included BMK for fiscal year 2016/2017, however, they are behind schedule and that study group has not begun. Mr. Keene Simmonds will be reaching out to the Board and sending notifications once they move forward with the study.

- Our former office assistant resigned and I will begin new posting beginning of March.

- The State Controllers Transaction Report for fiscal year 2015-2016 was submitted and will be submitting the Compensation Report by the beginning of next week. Also, the annual Statement of Facts will be submitted to the Secretary of State next week.

-With the new website design and making it more accessible to residents and having that be the venue where to get updated information, the office will now only produce the Neighbor to Neighbor three (3) times a year, rather than six (6). This will save in mailing cost which can be used for color prints.

-Received a call from the North Bay Conservation Corps about an e-waste drive at BMK in early March. We are working on the details and once they are confirmed will posted on the marquee.

IX. District Engineering, CLE

A. South Lagoon Levee Project Updated

Mr. Parent noted that upon the inspection of the levee (26,000 linear feet), south lock and end moat noticed the need to address the pump out of the second to last moat to manage rain water and water runoff. We have about 16" of free board before it over tops and floods the road ways. Sent an email out to Ms. Liz Lewis asking for what level of participation will be coming from the County as they manage flood control. We have looked at a quick way of getting water out from the moat to the end moat and release to the creek.

****MOTION to approve an amount not to exceed \$5,000 to pump water down to a level to be able to receive storm water and to be funded through Measure D.**

M/S: Chase, Lattanzio

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

B. Novato Creek/County of Marin

Mr. Parent noted that with all the flooding issues and work being undertaken at Highway 37 the County is now looking at possible dredging, which the District had previously asked for partnership when dredging the North Lagoon and Novato Creek and the District would provide space and they would pay for the removal of sediment under 37. Mr. Parent will follow up with Ms. Lewis and provide update once more information is available.

C. North Lagoon Dredging

1. Update on permitting

The Dredge Material Management Office (DMMO), has recommended that

sediment is suitable for placement in the Dredge Material Management Site (DMMS) on February 7, 2017. As such will move forward with other regulation agencies for permitting. Currently the DMMS site is under water and need to do the biological assessment and will need to open up the gates to release water.

Vice-President Lattanzio asked what if the project was still on track and anticipated to begin in the fall. Mr. Parent noted that the project is still on track and should have solicitations midsummer to begin September/October.

D. Storm Drain Maintenance Issue at 166/170 Del Oro Lagoon

A letter was sent out to the resident as we are still gathering information as the design does not match existing condition of the storm drain at this location. We still have 4 parcels to see the output drains once we have that a report will be put together.

E. Montego Park/ Measure A update

During the storm the park took in a large amount of water and pump water out from the large grass area that was ponding . Mr. Parent noted that the design needs to be re-addressed and include a mechanical enhancement to deal with water two months out of the year as permitting may be an issue.

Vice President Lattanzio asked is the berm is included in the design and will it keep water out? Mr. Parent noted that it is but does not handle the storm water and would need to pump water over the berm and can put in a gate. More information will be brought at the March meeting.

F. Update on CUPCAA and District Implementation

1. Materials Advertised

The District has received twenty five vendors and a tab has been included on the District website (Doing Business with us) for registration submittals.

G. Website Development: update

1. Update and planned roll out with Beta test

Mr. Brooke Pitcher presented the new website and reviewed the add-ons that can be added and one feature is the mobile compatibility of the site. The goal of the site is to exceed the Grand Jury report which we feel have upgraded to meet the B level, and keep a transparent government website and reminder this is not a social network site.

2. 20 Residents being identified for roll out in March 2017

A beta test will be sent to all Board members plus members of the community for feedback. Vice President Lattanzio asked if a frequently asked questions page can be added? Mr. Pitcher said yes it can be an add-on.

X. Waterways Manager Update

A. North Navigation Lock

1. Hydraulic System Repair

****Motion to approve the hydraulic system repairs in the amount not to exceed \$30,000.**

M/S: Chase, Lattanzio

Mr. Cormier noted that there was an issue with the hydraulic component that was not allowing the doors to open or close. It was worked on and the lock was operational again, however, it has a time delay. The lock has custom pieces that we are not looking at having some of the pieces on the shelves moving forward, as well as, for the south lock.

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopoulos

B. South Navigation Lock

1. Coatings Update-Waiting for dry time window.

C. Buoy and Navigation Marker Update-No update ad will reposition if necessary.

D. Flushing/Flood Control Update

Due to the storms we have not flushed, and have been monitoring the lagoon levels to allow water runoff. Mr. Cormier noted that include in the board packet is a memo which outlines the flood control preparation, storm monitoring, post storm tasks and recommendations. Mr. Cormier noted that since 2007 the lagoons have been maintained approximately 3-5 inches lower than summer levels to accommodate smaller storms. This enables residents to utilize the lagoon for recreation and is sufficient amount to handle a single storm event. We continue to lower after the storms to maintain that winter level. In 2015, the District engaged an emergency services contract with Cerrudo Services and they are on notice 24hrs prior to a storm event and have sandbags stages at the locks for water diversion and Cerrudo has the ability to mobilize equipment, personnel and obtain material to respond to various situations. The work boat is outfitted with a generator capable of operating the locks in the event of power failure.

Some of the recommendations are community outreach and update on upcoming storm which will be posted on the website. Infrastructure improvements include possible second outflow in south lagoon, tide gauge and flow velocity maintained by the CSD, possible pump on the north lagoon, backup power for the culvert gates, and creating a Standard Operating Procedure (SOP) of managing the water levels, communication protocols and operating instructions, as well as, having the ERT member be trained and involved in tasks.

E. Water Quality Update

The water quality is good and the Muck Away is still doing its job.

F. Box Culvert Gates Update

The gates are scheduled for delivery and will be stored at the Calypso Shore ramp. The notice for bids will be sent out in March and anticipate completion in April.

G. CSD Workboat Update

The generator was tested and looking to do the bottom painting when we do the lock coatings project.

H. Boat Ramp Security Gates Update

There was rodent issue which chewed through the wires and new board was installed and will be looking at ways to rodent proof all gates.

XI. Park and Open Space Maintenance

A. Tree removal at two locations (Dolphin Isle and Caribe Isle south open space) in the amount not to exceed \$5,000 for both trees.

The District Manager noted that trees have been monitored which are showing signs of structure failure and need to be removed. With the past storm and high winds those trees had limb breaks and need to be addressed as soon as possible.

****MOTION to approve up to \$5,000 dollars for tree removal as indicated by the District Manager.**

M/S: Lattanzio, Chase

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

XII. New Business

A. Renewal and Amendment to the License Agreement with the State Coastal Conservancy and the Bel Marin Keys Community Services District in Regards to the Front Entry Landscaping Improvements.

****MOTION to approve and execute the Renewal and Amendment to the License Agreement between the State Coastal Conservancy and the Bel Marin Keys Community Services District to October 1, 2026 to maintain landscaping and related infrastructure in a strip of land that runs parallel and extends twenty (20) feet on either side of Bel Marin Keys Boulevard.**

M/S: Chase, Lattanzio

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

B. Senate Bill 415 "California Voter Participation Right Act"

In September 2015 the Governor signed Senate Bill No. 415, which in most instances requires political subdivisions, including cities, school districts, community college districts, and other districts organized pursuant to state law, to move their elections for governing board members from odd-numbered years to even-numbered years if their elections currently occur on odd-numbered years and have not historically met certain voter turnout requirements; and District has not historically met the voter turnout requirements of Senate Bill No. 415. It is the intent to change the board elections from November, 2017 to November, 2018, and to even years thereafter.

The request will be submitted to the Board of Supervisors for approval and consolidation.

****MOTION to approve resolution requesting consolidation of elections to be submitted to the Board of Supervisors.**

M/S: Chase, Furst

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

XIII. Old Business

A. Use of the Community Center: Bel Marin Keys Anglers Club

Mr. Bartnicki addressed the Board with items that were not answered at the last meeting and he provided them with an outline of what the new club is looking for. He noted he is looking to be a club like the men's and women's club but have it in a format where it is not midday and open to all genders. He noted that the club would be opened to all BMK community members and guest would be allowed on a limited basis. The club would be looking to meeting the third Friday of the month starting in March, the club would be strictly non-profit, no alcohol sales, and any fishing in BMK would be on a boat or provide dock only and no shore fishing would be allowed.

Director Furst noted that what is proposed in not like the men's and women's as they meet during the day and this is more in line with the Yacht Club. Mr. Bartnicki noted that they are not looking to have it middle of the day in order to allow those who work to be able to attend in the evening.

Vice-President Lattanzio asked for clarification on what it means "fees are subject to participation levels"?

Vice-President Lattanzio asked the District Manager if this interfered with rentals of the community Center and how soon would the space be rented? The District Manager noted that the busy months for rental are April –July and renters have to submit all payment within 15days of date. Vice President Lattanzio noted that the club would need to look for other dates possibly the third Tuesday. Mr. Bartnicki noted that he wanted a have a fixed schedule but willing to move stuff around and not plan way in advance.

Mr. Mac Vogeley asked if they were renting the community enter? Vice-President Lattanzio noted that they do not want to pay they want to be a club. Mr. Vogeley noted that the sale of alcohol would require a license and would need insurance to protect the CSD as having alcohol is a liability and it would be common sense to require insurance and license. Mr. Bartnicki noted that he could provide insurance if that was required.

****MOTION to table this item as get more information prior to the board meeting and Mr. Bartnicki to work out details with the District Manager.**

M/S: Lattanzio, Chase

The Board agreed that details that need to be worked out is insurance, alcohol, schedule and provide a cohesive proposal in the March packet and bring members to show interest

in the club.

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

XIV. Hamilton Sports Complex Update

Vice-President Lattanzio noted that it would be a good idea to talk to BioMarin to fund the preserve.

XV. Sub-Committees

A. Emergency Response Team (ERT) Update-no update looking to meet on March 7th.

XVI. Financials

A. Review and approval the draft Audit for fiscal year 2015/2016

The draft is being sent back to the Auditor are the comments made last year of segregating Measure A funds from the general operating was not done and need to be taken out as those funds are to be used specifically for parks and open spaces and need to match the audit done by the County Parks. This will be brought back at the March meeting.

XVII. Updates on Projects of Interest

- A. State Coastal Conservancy (SCC), Hamilton and BMK V Wetlands Projects-no update
- B. Bay Trail- Vice-President Lattanzio noted that they need to be notified of the pond flooding and the requirements to be off 100 feet away from the shore and not following the mandated regulations. The pond was put in as a mitigation measure for the industrial park and a letter needs to be sent out to all parties involved with the trial.
- C. Pacheco Pond- They will continue to slowly release storm water.

XVI. Adjournment

****MOTION: To adjourn the Board Meeting of February 16, 2017**

M/S: Chase, Monotbbio

Vote: Chase, Montobbio, Lattanzio, Furst

Absent: Angelopulos

Next regular meeting date: Thursday, March 16, 2017, 7:30PM, at the Bel Marin Keys Community Center, 4 Montego Key, Novato, CA.

Meeting adjourned at 10:10pm