

**FINAL MINUTES OF THE
FLOOD CONTROL ZONE 9 ADVISORY BOARD MEETING
HELD TUESDAY 7:00PM, SEPTEMBER 20, 2016
AT LARKSPUR CITY HALL
400 MAGNOLIA AVENUE, LARKSPUR CA, 94939**

<u>Advisory Board (AB) Members Present</u>	<u>District Staff (Staff) Present</u>
Sandra Guldman (SG)	Russ Eberwein, Senior Engineer (RE)
Richard Gumbiner (RG)	Laura Harnish, CH2M-HILL (LH)
Dan Hillmer (DH)	Liz Lewis, Planning Manager (LL)
Peter Hogg (PH)	Felix Meneau, Zone Engineer (FM)
Chris Martin (CM)	Craig Tackabery, Asst. Director of Public Works (CT)
Tom McInerney (TM), Chairperson	
David Weinsoff (DW)	<u>City of Larkspur Staff Present</u>
	Julian Skinner, Public Works Director (JS)

Item 1. Approval of Meeting Minutes for June 21, 2016

Action by Board: approve meeting minutes from the June 21, 2016 meeting after corrections noted on 6th paragraph of pages 3 as follows:

DW asked if 15% investment in LID would require less detention volume when compared to a 'no' detention basin option and DC answered that ~~detention basins LID~~ could provide additional detention benefits ~~through implementation of LID measures wherever feasible~~.

Item 2. Open Time For Items Not On The Agenda

Public comments and written comments were provided by Ross Asselstine of San Anselmo suggesting prioritizing the use of the money available. He suggests measures such as flood gates, flood-proofing buildings, backflow preventer valves, installing survey control points in flood areas, strengthening of the Phoenix Lake dam, and replacing bridges.

Public comment was provided by Suzuki Cady of Fairfax regarding safety concerns and effectiveness of detention basins such as those used in Arizona, Los Angeles County, Houston, Pennsylvania, and Las Vegas, and suggestion for use of LID measures such as could have been implemented for the Ross Valley School District concrete surfaces.

Public comment was provided by Laura Miwok of Fairfax and owner of Comforts business in San Anselmo regarding the effective use of flood gates at the business including during flood of December 31, 2005 and that insurance will not cover detention basins and/or dams.

Public comment was provided by Kathy Shaefer of San Anselmo regarding concern in not moving projects forward with approximately 1,200 current Ross Valley properties that pay, on average, \$1,000 per year in FEMA flood insurance and that insurance rates may increase by as much as 15% per year over several years to a total of \$6,000-\$7,000 per year.

Public comment was provided by Garril Page of San Anselmo regarding details that should be shared with homeowners from a past August 22 public meeting, that she feels the Advisory Board must be accountable and transparent, 100-year flood protection remains blocked by Corps of Engineers, and past and upcoming expenditures of the program will require restoring public trust and further cooperation with the public.

Marin County Flood Control and Water Conservation District

Item 3. Lower Corte Madera Creek Improvement Project: Phase 1 of the Hillview Neighborhood Drainage Improvements in City of Larkspur

District staff provided an overview of the Lower Corte Madera Creek Improvement Project and introduced City of Larkspur Public Works Director Julian Skinner (JS) who presented regarding the Hillview Neighborhood Drainage Improvements in City of Larkspur, see [Staff Report dated September 20th, 2016](#) and [Hillview Drainage Improvement presentation](#).

PH asked if the consultant proposal referenced as Exhibit A of the draft Memorandum of Agreement was competitively bid and if local firms or Flood Control District staff and/or City staff were otherwise considered for the work.

District staff answered the City performed their own procurement process for City led projects. City staff answered that the consultant firm was recommended because of their experience in other nearby City projects and their existing knowledge and understanding of the project area.

PH asked if realignment of the project drainage pipe has been considered to occur underneath the earthen berm adjacent to Corte Madera Creek, and City staff answered this would be considered as part of the development of project alternatives should the project move forward.

SG asked if the proposal was competitively bid and City staff answered the consultant had been selected prior to JS employment with the City.

DW asked if time is of the essence for moving project forward now, and City staff answered paving is scheduled to occur above one of the areas where the project is anticipated to impact the existing pavement.

Public comment was provided by Kathy Shaefer that the consultant should adequately understand FEMA's process of issuing letter of map revisions if the project will be eligible for such revisions after proposed improvements are completed.

DH requested District staff respond if these questions brought up today had been raised before. District staff answered that only PH's suggestion of investigating realignment of proposed drainage line underneath the berm adjacent to Corte Madera Creek had been brought up in the past and that District staff had communicated PH's original suggestion to City staff. City staff responded that this alignment option was discussed with the consultant as a possible alternative to be evaluated if the project were to move forward.

DH asked if review had occurred regarding selection of proposed consultant referenced in Exhibit A of draft Memorandum of Agreement, and JS answered that the City's consultant selection process had been completed prior to his employment with the City.

Action by Board: adjust the Board's previously recommended Fiscal Year 16/17 budget from \$20,000 to \$42,000 for funding City of Larkspur's study involving development of project alternatives for the Hillview Drainage Improvements.

M/S: DH/TM, **Ayes:** DH/TM, **Nay:** PH, SG, RG, DW, CM, **Absent:** None, **Abstain:** None

TM suggested District and City staff revisit the project scope before presenting to the Advisory Board for additional recommended actions.

Marin County Flood Control and Water Conservation District

Item 4. Program EIR / Phoenix Lake IRWM Project Environmental Compliance

Laura Harnish with CH2M-Hill presented a recommended Program EIR and companion project level environmental compliance for Phoenix Lake IRWM Project as separate document [see Staff Report dated September 20, 2016](#) and [presentation on Program EIR](#).

PH asked why a new MOU was needed with MMWD and if MMWD was sharing in additional costs required for the feasibility study. District staff answered MMWD is the owner of the project and must agree to any studies proposed and that MMWD was not sharing in the cost of the proposed studies.

RG asked if this recommended action will add cost versus the original plan for a combined project/program environmental document, and LH answered it will add slightly more cost.

TM asked if this action will result in the public having less opportunity to provide public input, and LH answered it would not.

Action by Board: recommend staff prepares Program EIR and companion project level environmental compliance for Phoenix Lake IRWM Project as separate documents.

M/S: SG/RG, **Ayes:** All, **Nay:** None, **Absent:** None, **Abstain:** None

Item 5. Reciprocal License Agreements between District and Richard Atwood, property owner of 14 E. Sir Francis Drake Boulevard, for reciprocal access, and maintenance of a portion of District-owned Assessor Parcel Number 018-172-08

District staff presented regarding the reciprocal license agreements between District and property owner of 14 E. Sir Francis Drake Boulevard, [see Staff Report dated September 20, 2016](#) and [License Agreements with Richard Atwood](#).

PH commented that the District land boundary of the proposed license area should follow a tidal boundary not reflected in the agreement exhibit, and District staff answered this would be noted.

Action by Board: recommend approval by the Board of Supervisors of the License Agreements for reciprocal access purposes.

M/S: PH/RG, **Ayes:** All, **Nay:** None, **Absent:** None, **Abstain:** None

Item 6. Program & Other Project Updates

Brief Update on Department of Water Resources Grant (former Memorial Park grant) for San Anselmo Flood Protection Project:

District staff presented a brief update on the Department of Water Resources Grant, [see Staff Report dated September 20, 2016](#) and [DWR Grant Update presentation](#).

Creek Maintenance Program

District staff presented a brief update on the Creek Maintenance Program, [see Staff Report dated September 20, 2016](#) and [Creek Maintenance presentation](#).

CM asked if any tree removal work would be occurring downstream of Sir Francis Drake Boulevard, and District staff answered they would follow-up.

Marin County Flood Control and Water Conservation District

Public comment was provided by Garril Page of San Anselmo if any concrete debris was being removed from the creek, and District staff answered there was concrete debris removal planned in San Anselmo Creek.

Former Sunnyside Nursery Potential Detention Basin

District staff presented a brief update of the Former Sunnyside Nursery Potential Detention Basin, [see Staff Report dated September 20, 2016](#).

Public comment was provided by Mike Van Metre of Fairfax regarding the opposition to the project, lack of transparency in the land acquisition process, and request for soils information previously denied by District.

Public comment was provided by Frank Egger of Fairfax regarding completion by 2020 required in the DWR former Memorial Park grant, if debris removal was planned in the creeks, who is lead CEQA agency for Corps Project, what District will do with the land if the court ruling from the lawsuit prohibits the District from building a detention basin, and difficulty in meeting on December 20th during the holidays as currently proposed.

LH answered that the District will be lead agency under CEQA for the Program EIR.

Public comment was provided by Kathy Shaefer regarding including all proposed projects in the County Hazard Mitigation Plan and the suggestion that District staff consider Section 404 and Section 406 of the Stafford Act.

Public comment was provided by Garril Page of San Anselmo that historically the Works Progress Administration left debris in Sleepy Hollow Creek that should be removed.

Phoenix Lake Integrated Regional Water Management Retrofit

See earlier Agenda item 4 of this Staff Report “Program EIR / Phoenix Lake IRWM Project Environmental Compliance “.

Announcement of recently held public and technical advisory group meetings, upcoming public meetings, and other opportunities for public input:

District staff announced several other updates, [see Staff Report dated September 20, 2016](#) and [LHMP road map](#).

Item 7. Adjourn (Next Meeting Scheduled for December 20, 2016)

The Zone 9 Advisory Board confirmed the next meeting date of December 20th, 2016 and agreed to setup ad-hoc budget sub-committee consisting of DH, RG, and PH to provide input on format and presentation of updated program financial overview for the next Advisory Board meeting.