

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 355, May 17, 2007
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

President Dave Cortese called the meeting to order at approximately 7:15 p.m.

Representatives and Alternates Present

Supervisor Susan Adams
Amiee Albertson, Dir., Intergovernmental Affairs
Councilmember Jane Brunner
Councilmember Paul Cohen
Vice Mayor David D. Cortese
Mayor Jose Esteves
Vice Mayor Dan Furtado
Mayor Jack Gingles
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Supervisor Mike Kerns
Supervisor Barbara Kondylis
Supervisor Alice Lai-Bitker
Councilmember Sam Liccardo
Mayor Janet Lockhart
Supervisor Mark Luce
Councilmember John Marquez
Supervisor Peter McHugh
Supervisor Ross Mirkarimi
Vice Mayor Jean Quan
Mayor Pro Tem Gwen Regalia
Councilmember A. Sepi Richardson
Mayor Pamela Torliatt
Supervisor Gayle B. Uilkema
Councilmember Forrest Williams
Supervisor Ken Yeager

Jurisdiction

County of Marin
City of San Francisco
City of Oakland
City of San Rafael
City of San Jose
City of Milpitas
City of Campbell
City of Calistoga
City of Union City
County of Alameda
County of San Mateo
County of Sonoma
County of Solano
County of Alameda
City of San Jose
City of Dublin
County of Napa
City of Richmond
County of Santa Clara
County of San Francisco
City of Oakland
City of Walnut Creek
City of Brisbane
Cities in the County of Sonoma
County of Contra Costa
City of San Jose
County of Santa Clara

Representatives Absent

Supervisor Chris Daly
Supervisor John Gioia
Councilmember Carol L. Klatt
Mayor Steve Messina
Councilmember Nancy Nadel
Mayor Gavin Newsom
Supervisor Adrienne Tissier
Mary C. Warren

Jurisdiction

County of San Francisco
County of Contra Costa
City of Daly City
City of Benicia
City of Oakland
City of San Francisco
County of San Mateo
RWQCB

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

President Cortese welcomed Ken Yeager, Supervisor, County of Santa Clara, and Pam Torliatt, Mayor, City of Petaluma, to the Executive Board.

Susan Adams, Supervisor, County of Marin, announced that May is Bike Month. Information is available online at 511.org.

There were no other announcements.

4. PRESIDENT'S REPORT

President Cortese reported that on April 19th ABAG conducted a successful General Assembly and Business Meeting in San Francisco. For the first time, ABAG had the Mayors of San Jose, San Francisco, and Oakland participating on the same program along with Mayor Torliatt of Petaluma. The three big city mayors committed to working together with the region to advance the causes that we all have in common.

During the GA luncheon, ABAG's first *Growing Smarter Together* Award Winners were presented, including the Town of Windsor, City of Pleasant Hill, City of San Mateo, and the County of Napa. President Cortese commended ABAG staff for an outstanding job in planning and executing the General Assembly. Conference evaluations returned by attendees were highly complimentary of the program and encouraged more dialog of the type presented.

During the Business Meeting, delegates approved the FY 2007-2008 Budget and Work Program and a bylaw change increasing the per diem from \$100 to \$150 per meeting.

President Cortese noted that the revised agenda includes a new Consent Calendar Item—Item U—requesting Executive Board support of the Green Challenge 0709, which is an initiative of the National Volunteer Centers, being led in the Bay Area by the Volunteer Center of the Silicon Valley and implemented by Volunteer Centers throughout the region.

5. EXECUTIVE DIRECTOR'S REPORT**

President Cortese recognized Henry Gardner, ABAG Executive Director, who gave his report. Executive Director Gardner also noted the successful General Assembly on April 19th in San Francisco. He stated that on the Executive Board Agenda are two items related to the Regional Housing Need Allocation and the San Mateo Subregional Allocation. He noted that the total allocation to the region is smaller than originally provided by Housing and Community Development (HCD). Staff worked hard to convince HCD that their numbers were inconsistent with our Projections data and was ultimately able to succeed to getting them to agree to reducing the allocation from 300,000 to 214,000 units.

County-wide meetings related to Focusing Our Vision (FOCUS) have been or are being held in each of the nine counties. Over 375 elected officials and senior staff from the region's cities and counties have attended so far. The meetings chaired by members of the Regional Planning Committee and the JPC have been widely

regarded as a successful outreach effort. Applications for the FOCUS Priority Development Areas are now available and there appears to be widespread interest in the FOCUS program on the part of the region's jurisdictions.

ABAG will hold its first annual Housing Conference on June 28, 2007. The conference will focus on affordable housing and housing element implementation issues. Building on the success of ABAG's 2006 housing report, *A Place to Call Home*, staff is planning to release the second annual housing report at the housing conference.

ABAG Energy Watch is sponsoring a free workshop on *Implementing Energy Efficiency Measures and Developing Climate Action Plans* for local governments including cities, counties and special districts on Tuesday, June 12, 2007 from 9 a.m. to 4 p.m. at Pacific Energy Center in San Francisco. The workshop will include an introduction to Climate Action Plans, benefits of participating in ABAG Energy Watch and ICLEI Programs, and guidance on implementing and financing for energy efficiency projects.

Since the last Executive Board Meeting ABAG Finance Authority has issued tax exempt capital financing for a number of projects, including: Paragon Apartments at Crossing, \$49,600,000 in Variable Rate Multifamily Housing Revenue Refunding Bonds; The Rivers Senior Apartments, \$8,585,000 in new Multifamily Housing Revenue Bonds; St. Anthony Foundation, \$11,300,000 in Variable Rate Revenue Bonds; NorthBay Healthcare Group, \$2,612,000 in Lease Revenue Bonds; Casa De Las Campanas, \$45,645,000 in Variable Rate Revenue Refunding Bonds; and Archstone Fremont Center Apartments, \$43,560,000 in Multifamily Housing Revenue Bonds.

ABAG and the Census Bureau sponsored workshops to help local governments understand their options for receiving the 2010 Census Address List from the Census Bureau starting later this year. Seven Local Update of Census Addresses (LUCA) Program workshops were conducted in the Bay Area over the last two months. There will be another round of different workshops this fall. ABAG did most of the work at getting 85 of 109 jurisdictions to attend these workshops.

Supervisor Adams asked about the process and criteria used for the Priority Development Area applications. Kenneth Kirkey, ABAG Planning Director, responded that criteria for entry level applicants to be designated as a PDA and be eligible for incentives when they become available include existing communities, near existing or planned fixed transit, and planned housing component. Additional information is available on-line.

6. CONSENT CALENDAR

President Cortese recognized a request from Gayle B. Uilkema, Supervisor, County of Contra Costa, to remove Item 6.T., Request Authorization to Urge State Lands Commission to Require Bay Trail Access as Condition of Chevron's Long Wharf Lease Renewal in Richmond, and President Cortese removed Item 6.C., Appointments to Committees. President Cortese recognized a motion by Forrest Williams, Councilmember, City of San Jose, and seconded by Supervisor Adams, to approve the consent calendar except Items 6.C. and 6.T. The motion passed unanimously.

A. Approval of Executive Board Summary Minutes**

No. 354, January 18, 2007.

B. Grant Applications**

A list of grant applications was approved for submission to the State

Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

C. Appointments to Committees:

Joint Policy Committee

Sam Liccardo, Councilmember, City of San Jose

San Francisco Estuary Project Implementation Committee

Tim Smith, Councilmember, City of Rohnert Park

Bay Conservation and Development Commission

Ed Balico, Mayor, City of Hercules (Alternate to Tom Bates, Mayor, City of Berkeley)

Bob Wieckowski, Vice Mayor, City of Fremont, (Alternate to Dena Mossar, Councilmember, City of Palo Alto)

Regional Planning Committee

A. Sepi Richardson, Councilmember, City of Brisbane

D. Authorization to Submit Grant Proposal to the Metropolitan Transportation Commission (MTC) **

Approved authorization to submit a Toll Bridge Reserve funding application to the Metropolitan Transportation Commission and, if successful, to enter into an agreement with MTC in an amount up to \$700,000 for administration of the San Francisco Bay Trail Project. The Bay Trail Project has received grant funding from MTC through this program each year since 1994.

E. Authorization to Amend Agreement with U.S. Environmental Protection Agency (EPA) and Enter into Agreement with San Francisco Estuary Institute (SFEI) **

Approved authorization to amend the agreement with EPA on behalf of the San Francisco Estuary Project to implement the Comprehensive Conservation and Management Plan (CCMP). The amount of the agreement is increased by \$418,000 to \$1,330,566 and the time period is extended to December 31, 2008. ABAG will provide a \$15,000 in-kind services match. Under terms of this agreement, the Board is requested to authorize the Executive Director or designee to enter into a pass through agreement with SFEI for a total amount of \$45,000 to provide technical assistance with the continued development of ecosystem indicators, monitoring and CCMP priorities. The contract period is December 1, 2007 to December 31, 2008.

F. Authorization to Submit Proposal and if Successful, Enter into Grant Agreement with Dept. of Water Resources (DWR) **

Approved authorization for the Executive Director or designee to submit a grant proposal on behalf of ABAG, the San Francisco Estuary Project and partners, and if awarded, to enter into an agreement with DWR to Apply the Watershed Assessment Framework as a Tool for Integrating and Communicating Watershed Health Indicators for the San Francisco Estuary. The agreement will not exceed \$400,000 and the term is January 2008 to December 2009. ABAG will provide a \$15,000 in-kind services match.

G. Authorization to Amend Agreement with the Bay Area Clean Water Agencies (BACWA) on behalf of Clean Estuary Partnership (CEP) **

Approved authorization for the Executive Director or designee to amend the contract with BACWA by extending the contract end date to June 30, 2008, and increasing the contract amount by \$128,865 to provide additional staff resources that can focus on the development of TMDLs within the San Francisco Bay Region. No ABAG match is required.

H. Authorization to Enter into Subcontract with Frontier Geosciences Laboratory for Services on Grant for Development of Wetland Design and Management Options to Control Mercury in San Francisco Bay**

Approved authorization for the Executive Director or designee to enter into a subcontract with Frontier Geosciences not to exceed \$100,000 and the contract period is April 2007 to December 2008. Frontier Geosciences will perform laboratory analysis of soil and water samples to assist in the development of wetland design and management options to control mercury in San Francisco Bay. These services are to be completed in accordance with a grant from the State Water Resources Control Board.

I. Authorization to Enter into Subcontract with TDC Environmental, LLC for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with TDC Environmental, LLC to assist with implementation efforts related to the TMDL for urban pesticides consisting of reviewing, interpreting and communicating the latest scientific findings and current pesticide use information to the Urban Pesticides Committee stakeholders, regulatory agencies and others regarding pesticide related water quality problems. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 215,000 and the subcontract period is April 2007 through February 2010.

J. Authorization to Enter into Subcontract with Salmon Protection and Watershed Network (SPAWN) for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with SPAWN for work related to controlling fine sediment and erosion control bank stabilization and road repair on non-county roads in the San Geronimo watershed. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 277,163 and the subcontract period is May 2007 through February 2010.

K. Authorization to Enter into Subcontract with Prunuske Chatham, Inc. for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with Prunuske Chatham Inc. for work related to controlling fine sediment in the San Geronimo Creek watershed; specifically biotechnical creek bank stabilization design and engineering plans, assistance with environmental compliance and construction administration. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 51,475 and the subcontract period is May 2007 through February 2010.

L. Authorization to Enter into Subcontract with California State Parks for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with California State Parks for work related to controlling fine sediment in the Lagunitas Creek watersheds. This work involves a number of small but important projects along Lagunitas Creek in Samuel P. Taylor State Park. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 70,000 and the subcontract period is May 2007 through February 2010.

M. Authorization to Enter into a Subcontract with Pacific Watershed Associates for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with Pacific Watershed Associates for work related to controlling fine sediment in the San Geronimo Creek and Lagunitas Creek watersheds; specifically for road inventory and assessment and layout and design alternatives for repair of unpaved non-county roads and pre and post project survey documentation. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 45,670 and the subcontract period is May 2007 through February 2010.

N. Authorization to Enter into Subcontract with Stillwater Sciences for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with Stillwater Sciences for work related to controlling fine sediment in the Lagunitas Creek watershed; specifically for completing a sediment budget assessment for portions of the watershed. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 145,000 and the subcontract period is May 2007 through February 2010.

O. Authorization to Enter into Subcontract with Sonoma Ecology Center for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with Sonoma Ecology Center for work related to controlling fine sediment in the Sonoma Creek watershed; specifically for repairing or removing portions of Upper Coon Trap Road in Jack London State Historic Park. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 370,000 and the subcontract period is May 2007 through February 2010.

P. Authorization to Enter into Subcontract with Mid-peninsula Regional Open Space District for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into fine sediment in the San Francisquito Creek watershed; specifically for plans and specifications for new trail designs and road stream crossing improvements. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 200,000 and the subcontract period is May 2007 through February 2010.

Q. Authorization to Enter into Subcontract with San Francisco Estuary Institute (SFEI) for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with SFEI for work related to obtaining Bay Area information on PCB loadings to urban runoff from historic building materials including field sampling, chemical analysis and reporting. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$100,000 and the subcontract period is May 2007 through February 2010.

R. Authorization to Enter into Subcontract with Bio-Integral Resource Center (BIRC) for Services on Grant for Taking Action for Clean Water: Bay Area TMDL Implementation**

Approved authorization for the Executive Director or designee to enter into a subcontract with BIRC for work related to implementing the Ecowise Certified Program for certifying pest control operators in Integrated Pest Management (IPM) to reduce pesticide loadings to urban runoff. Services include updating the Ecowise standards and materials, and outreach and coordination with the Pest Control Operators of California, local governments, Dept. of Pesticide Regulation and other regulatory agencies. These services are to be completed in accordance with a grant from the State Water Resources Control Board. The subcontract amount is \$ 64,000 and the subcontract period is May 2007 through February 2010.

S. Authorization to Enter into Cooperative Agreement with the Association of Monterey Bay Area Governments (AMBAG) and to Enter into Contract to Produce Forecast for the AMBAG Region**

Approved authorization for ABAG and AMBAG sign a Cooperative Agreement for the exchange of information and data between the two agencies. This agreement will remain in place until December 31, 2012 unless otherwise modified or terminated, and for ABAG to provide county-level forecasts for three counties: Monterey, San Benito and Santa Cruz. The forecasts will be to the year 2035 in five-year increments. Forecasts are needed for employment, population, and housing units. The contract amount is \$35,000 and the contract period is from May 2007 to November 2007.

T. Request Authorization to Urge State Lands Commission to Require Bay Trail Access as Condition of Chevron's Long Wharf Lease Renewal in Richmond**

The San Francisco Bay Trail Project requests ABAG Executive Board support and letter requesting that the State Lands Commission require a section of Bay Trail as mitigation for a 30-year lease extension of Chevron's Long Wharf within State-owned tidelands.

U. Resolution Encouraging Bay Area Counties, Cities and Town to Support Green Challenge 0709**

The Executive Board approved the endorsement of and to encourage Bay Area counties, cities and towns to support the Green Challenge 0709, the leading grassroots civic family volunteer movement for changing our habits, improving our environment and combating climate change. The Green Challenge is coordinated by the local Volunteer Centers in partnership with the Walt Disney Company and will be launched in July 2007.

President Cortese noted that a list of committee appointments was distributed to members, and that A. Sepi Richardson, Councilmember, City of Brisbane, will be added to the list of appointees to the Regional Planning Committee, subject to Board ratification at a later date. He recognized a motion by Mark Green, Mayor, City of Union City, and seconded by Pete McHugh, Supervisor, County of Santa Clara, to approve Item 6.C., Appointment to Committees. The motion passed unanimously.

President Cortese recognized a motion from Supervisor Uilkema, and seconded by A. Sepi Richardson, Councilmember, City of Brisbane, to delay action on Item 6.T. until input from the U.S. Coast Guard is obtained and directed the Executive Director to meet with Chevron and the Bay Trail to devise an acceptable alternative that is secure, and directed staff to bring the item back to the next Board meeting. Supervisor Adams offered a friendly amendment, which was accepted, to also direct the Executive Director to make interim communications with the State Lands Commission to inform them of ABAG's concerns.

Members discussed concerns about the need for more information on the Bay Trail alignment location; security of the refinery facilities; mitigation as a condition of the lease renewal with the State Lands Commission; communications with the State Lands Commission.

On the motion, the ayes were 25, the nays were zero, with Mark Luce, Supervisor, County of Napa, and John Marquez, Councilmember, City of Richmond, abstaining. The motion passed

7. STATE BUDGET UPDATE AND MAY REVISION

Michael Genest, Director, State Department of Finance, presented an overview of the Governor's May Budget Revision and its impact on local Government, including Proposition 1A, a summary of the budget, the state's structural deficit, budget priorities, such as health care, corrections, transportation and transit.

Members inquired about the High Speed Rail; Health Care and Mental Health; programs for the blind, aged and disabled; Proposition 63; spillover formula for public transit; Proposition 1B; SSI/SPP, CalWorks and welfare reform; school district transportation.

President Cortese thanked Mr. Genest for his presentation.

8. REGIONAL DISASTER RECOVERY**

Paul Jacks, Deputy Director, Response and Recovery Division, Governor's Office of Emergency Services, presented an overview of the Regional Emergency Coordination Plan (RECP), including a description of RECP, its purpose and structure. He discussed recovery and ABAG's role in a recovery operation and development of a RECP. He covered issues such as the role of the Executive Board and the Regional Planning Committee (RPC) during recovery, regional priority setting for resource allocation, coordination with regional entities, state and federal government agencies, and the private sector, and workshops and training for the ABAG Executive Board and the RPC.

President Cortese noted that this item would be referred to the Regional Planning Committee for review and recommendations. Members discussed the role of existing groups and alliances, neighborhood alert teams and citizens organized to respond to

emergencies, and State Emergency Management System, and the California Specialized Training Institute.

President Cortese thanked Mr. Jacks for his presentation.

9. SAN MATEO COUNTY SUB REGION**

Paul Fassinger, ABAG Research Director, presented the San Mateo Subregional Need Allocation assignment and described the draft allocation. He noted that the Administrative Committee issued a draft allocation and opened a public comment period and no comments have been received. The state Housing and Community Development assigned the Bay Area 214,500 housing units of which 15,738 were assigned to the San Mateo subregion.

President Cortese recognized a motion by Rose Jacobs Gibson, Supervisor, County of San Mateo, and seconded by Barbara Kondylis, Supervisor, County of Solano, to open the public hearing on the San Mateo Subregional Need Allocation. The motion passed.

There were no public comments.

President Cortese recognized a motion by Supervisor Kondylis, and seconded by Supervisor Jacobs Gibson, to close the public hearing and accept the staff recommendations for the San Mateo Subregional Need Allocation. The motion passed unanimously.

President Cortese recognized a motion by Supervisor Kondylis, and seconded by Supervisor Jacobs Gibson, to accept the staff recommendations for the San Mateo Subregional Need Allocation. The motion passed unanimously.

10. ADOPTION OF FINAL REGIONAL HOUSING NEED ALLOCATION**

Paul Fassinger, ABAG Research Director, presented the draft Regional Housing Need Allocation. He discussed the assignment of the regional need and details of the allocation.

The matter was held over until the July meeting to give staff an opportunity to ensure that all corrections have been made.

Kenneth Moy, ABAG Legal Counsel, noted that a continuance of the release of the draft RHNA will require a request for an extension to be submitted to the state Housing and Community Development.

President Cortese recognized a motion by Councilmember Richardson, which was seconded, to table the adoption of the final Regional Housing Need Allocation until the next Executive Board meeting, to direct staff to prepare a corrected allocation report, and to direct staff to submit a request for an extension to the state Housing and Community Development Department. The motion passed unanimously.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Committee Chair McHugh reported on Committee activities, including positions recommended on AB 1131 (oppose), AB 1253 (support if amended), AB 1256 (support), AB 1542 (support), SB 103 (oppose), SB 343 (oppose), SB 934 (support), SB 964 (oppose), and SB 303 (oppose).

President Cortese recognized a motion by Chair McHugh, and seconded by Supervisor Adams, to accept the committee report. The motion passed unanimously.

12. FINANCE AND PERSONNEL COMMITTEE REPORT**

Committee Chair Mark Green reported on Committee activities, including the process for performance evaluation of Legal Counsel; a status report on the Strategic Planning internal scan; a actuarial report on GASB 45 with ABAG's unfunded liability at \$4.1 million as of January 1, 2007 and an annual required funding contribution of \$634,000 for Fiscal Year 2008/2009; and a report on the March and April 2007 Financial Statements.

President Cortese recognized a motion by Chair Green, and seconded by Jack Gingles, Mayor, City of Calistoga, to accept the committee report. The motion passed unanimously.

13. CLOSED SESSION

The Executive Board entered closed session at approximately 9:14 p.m. to finalize the performance evaluation of the Executive Director.

The Executive Board exited closed session at about 9:21 p.m.

President Cortese announced that the Board concluded the evaluation of the Executive Director. He recognized a motion by Forrest Williams, Councilmember, City of San Jose, and seconded by Supervisor McHugh, to approve the recommendation from the Finance and Personnel Committee on the Executive Director's compensation discussed in closed session. The motion passed unanimously.

14. ADJOURNMENT

Meeting adjourned at about 9:22 p.m.


Henry L. Gardner, Secretary-Treasurer

** Indicates attachments.

All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or FredC@abag.ca.gov.