

SUMMARY MINUTES

ABAG Executive Board Meeting
No. 349, May 18, 2006
MetroCenter Auditorium
101 8th Street, Oakland, CA

1. CALL TO ORDER

The meeting was called to order by Vice President Rose Jacobs Gibson, Supervisor, County of San Mateo, in the absence of President David Cortese, Councilmember, City of San Jose, at about 7:15 p.m. State Senator Tom Torlaksen led members in the Pledge of Allegiance. Quorum was not present.

Representatives and Alternates Present

Supervisor Susan Adams
Supervisor Chris Daly
Mayor Carole Dillon-Knutson
Mayor Jose Esteves
Vice Mayor Dan Furtado
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Rose Jacobs Gibson
Supervisor Barbara Kondylis
Supervisor Mark Luce
Supervisor Ross Mirkarimi
Councilmember Steve Rabinowitsh
Councilmember Gwen Regalia
Mayor A. Sepi Richardson
Mayor Shelia Young
Amiee Albertson, Dir., Intergovernmental Affairs

Representatives Absent

Councilmember Maria Alegria
Supervisor Blanca Alvarado
Vice Mayor Jane Brunner
Councilmember David D. Cortese
Supervisor Mark DeSaulnier
Supervisor John Gioia
Supervisor Mike Kerns
Mayor Carol L. Klatt
Councilmember Linda J. LeZotte
Supervisor Fiona Ma
Supervisor Peter McHugh
Councilmember Nancy Nadel
Mayor Gavin Newsom
Vice Mayor Jean Quan
Mayor James P. Spering
Supervisor Gail Steele
Supervisor Adrienne Tissier
Mary C. Warren
Councilmember Ken Yeager

Jurisdiction

County of Marin
County of San Francisco
City of Novato
City of Milpitas
City of Campbell
City of Union City
County of Alameda
County of San Mateo
County of Solano
County of Napa
County of San Francisco
City of Santa Rosa
City of Walnut Creek
City of Brisbane
City of San Leandro
City of San Francisco

Jurisdiction

City of Pinole
County of Santa Clara
City of Oakland
City of San Jose
County of Contra Costa
County of Contra Costa
County of Sonoma
City of Daly City
City of San Jose
County of San Francisco
County of Santa Clara
City of Oakland
City of San Francisco
City of Oakland
City of Suisun City
County of Alameda
County of San Mateo
RWQCB
City of San Jose

2. PUBLIC COMMENT

There was no public comment.

3. ANNOUNCEMENTS

There were no announcements.

Mayor Mark Green, City of Union City, raised the issue of quorum. Members discussed the issue of quorum and suggested that the meeting time be changed back to start at 7:30 p.m., member jurisdictions are reminded to appoint representatives who will attend meetings, and attendance list be sent member jurisdictions.

4. PRESIDENT'S REPORT

Vice President Jacobs Gibson reported that the Spring General Assembly held on April 20 was a success, and that during the Business Meeting delegates approved the bylaws change permitting city managers and county administrators to serve as alternates to the General Assembly Business Meetings and the annual Budget and Work Program.

5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Gardner deferred his report until after the presentations at which time Vice President Jacobs Gibson recognized him to report on ABAG activities.

Executive Director Gardner reported that the General Assembly, which took place on April 20th in conjunction with the 100th Anniversary of the 1906 Earthquake conference, was successful; at the Business Meeting, the bylaws were amended to allow city managers and county administrators to be delegates at the General Assembly and the budget and work program, including an increase in membership dues, was approved; President Cortese and staff have worked to garner support from legislators on AB 2037 (Mullin) which would provide funding for the RHNA process; staff continues working on Focusing Our Vision; the California Public Utilities Commission approved the renewal of the Local Government Energy Program; ABAG service programs continues to perform invaluable service to members, particularly tax exempt bond financing; and an RFP for contractor services for the MetroCenter building retrofit is to be issued in the Fall, with construction to begin in the Fall 2007 and take two years to complete.

Supervisor Susan Adams, County of Marin, inquired about taking a regional look at community choice aggregation. Executive Director Gardner replied that numerous jurisdictions continue to look at the feasibility of doing this and reported that ABAG has held a meeting with a number of jurisdictions who are considering this option.

Vice President Jacobs Gibson thanked Executive Director Gardner for his report.

6. CONSENT CALENDAR

The Consent Calendar was deferred until quorum was reached.

A. Approval of Executive Board Summary Minutes**

Approval of the minutes of Executive Board Meeting No. 348, March 16, 2006.

B. Grant Applications**

Approval of a list of federal grant applications to be submitted to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

C. Appointments to Committees

Approval of appointments to the following committees:

Regional Planning Committee

Vice Mayor Daniel Furtado, City of Campbell (Replaces former Councilmember Julia Miller, City of Sunnyvale)

Bay Area Economic Forum

Councilmember Melinda Hamilton, City of Sunnyvale

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

Authorization requested to submit a Toll Bridge Reserve funding application to the Metropolitan Transportation Commission and, if successful, to enter into an agreement with MTC in the amount of \$140,000 for administration of the San Francisco Bay Trail Project. ABAG would provide up to \$60,000 in matching funds. ABAG has received grant funding from MTC through this program each year since 1994.

E. Resolution No. 04-06 Delegating Authority to MTC to Conduct Public Hearing on Proposed Bay Area Transportation Air Quality Conformity Protocol and Interagency Consultation Procedures**

The conformity protocol and interagency consultation procedures are being updated to reflect changes resulting from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, consultation best practices, and current agencies roles and responsibilities. As co-lead agencies involved in preparing the federal air quality plan (SIP), the BAAQMD and ABAG are delegating authority to MTC to hold a public hearing on the revised conformity protocol and interagency consultation procedures. MTC will release the protocol and procedures for public review on May 12, 2006. The public hearing will be held at MTC's June 9, 2006 Planning Committee meeting. The protocol and procedures will be approved by the Planning Committee on July 14 and adopted by the Commission on July 26, 2006, and will be submitted to ABAG's Executive Board for adoption on July 20, 2006.

F. Authorization to Enter into a Sub-Contract with the San Francisco Estuary Institute for planning and technical assistance to the State Coastal Commission and the U.S. Environmental Protection Agency**

Authorization requested to enter into a sub-contract with the San Francisco Estuary Institute through a subvention agreement with the State of California Water Resources Control Board for a period of 14 months. ABAG will provide planning and technical assistance for \$87,000 as part of a Phase I effort to examine local government solutions for non-point sources of pollution in key California watersheds. No ABAG matching funds are required.

G. ABAG Annual Support to Bay Area Economic Forum

Authorization requested for the FY 06-07 ABAG support to the BAEF in the amount for \$50,000. The BAEF is a partnership of ABAG and the Bay Area Council. Formed in 1988 as a public-private partnership of business, government, university, labor and community leaders BAEF analyzes and implements programs to strengthen the region's competitive economy and quality of life.

H. Authorization to Submit a Proposal and if Successful, Enter Into Grant Agreement with State Water Resources Control Board to Implement TMDLs in San Francisco Bay Region**

Authorization requested for the Executive Director or designee to submit a grant proposal, and if successful, enter into a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project and its partners to implement specific high-priority water quality improvement actions identified in Bay Area Total Maximum Daily Loads (TMDLs) for sediment, PCBs, and pesticides. The agreement will not exceed \$2,650,000 with a start date of December 2006 and end date of August 2010. ABAG will provide a \$25,000 in-kind services match.

I. Authorization to Amend Contract With Alameda County and Alameda County Flood Control and Water Conservation District (County) to Provide Technical Support for Permit Processing**

Authorization requested for the Executive Director or designee to amend the agreement with Alameda County by increasing the amount by an additional \$85,000 to a total amount not to exceed \$265,000 and extending the contract period to June 30, 2007. No ABAG match is required. The project assists with implementation of the Comprehensive Conservation and Management Plan (CCMP) for the San Francisco Estuary.

J. Authorization to Submit Proposal and if Successful, Enter Into Grant Agreement with State Water Resources Control Board to Carry Out Restoration Demonstration Project at Blacklock Tidal Marsh (Suisun Marsh)**

Authorization requested for the Executive Director or designee to submit a grant proposal, and if successful, enter into a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners to assess lessons learned for application in design and planning of future restoration projects in Suisun Marsh. The agreement will not exceed \$620,000, with a start date of December 2006 and end date of March 2010. ABAG will provide a \$5,000 in-kind services match.

K. Authorization to Amend Cooperative Agreement with US Environmental Protection Agency and Enter Into Agreement with San Francisco Estuary Institute**

Authorization requested for the Executive Director or designee to amend the cooperative agreement with EPA on behalf of the San Francisco Estuary Project to provide technical, public involvement and administrative support in implementing the Comprehensive Conservation and Management Plan (CCMP). The agreement will be increased by \$407,600 to \$824,566 and the time period is extended to December 31, 2007.

L. Authorization to Submit Proposal and if Successful, Enter Into Grant Agreement With State Water Resources Control Board to Restore Fish Habitat in LaHonda/San Gregorio Creeks Watershed**

Authorization requested for the Executive Director or designee to submit a grant proposal, and if successful, enter into a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners to restore migration access and spawning/rearing habitat for steelhead trout and coho salmon in LaHonda and San Gregorio Creeks watershed. The agreement will not exceed \$600,000, with a start date of September 2006 and end date of March 2010. ABAG will provide a \$5,000 in-kind services match.

M. Authorization to Enter Into Contract With Santa Clara Valley Water District (SCVW) to Provide Technical Support for Permit Processing**

Authorization requested for the Executive Director or designee to enter into a new two-year contract with the option to extend it annually with ABAG Executive Board and SCVWD Board approvals. The total contract amount will not exceed \$265,000 over the next two years (May 1, 2006-April 30, 2008). No ABAG match is required. The work assists with implementation of the CCMP for the San Francisco Estuary.

N. Authorization to Submit Proposal and if Successful, Enter Into Grant Agreement With State Water Resources Control Board to Develop Strategy to Resolve Methyl-Mercury and Low Dissolved Oxygen Events in Suisun Marsh**

Authorization requested for the Executive Director or designee to submit a grant proposal and if successful, enter into a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners to test and demonstrate solutions to the severely low dissolved oxygen (DO) conditions and the methyl-mercury production that is facilitated by low DO in Suisun Marsh. The agreement will not exceed \$795,000, with a start date of September 2006 and end date of June 2009. ABAG will provide a \$5,000 in-kind services match.

O. Authorization to Submit a Proposal and if Successful, Enter into Grant Agreement With State Water Resources Control Board to Assist At-Risk Species by Improving Water Quality and Habitat in San Pablo Bay**

Authorization requested for the Executive Director or designee to submit a grant proposal and if successful, enter into a grant agreement with the State Water Board on behalf of ABAG/San Francisco Estuary Project (SFEP) and its partners to improve water quality/circulation and habitat in San Pablo Bay tidal marshes. The agreement will not exceed \$ 1,200,000 with a start date of December 2006 and end date of March 2010. ABAG will provide a \$10,000 in-kind services match.

P. Authorization to Enter Into Agreement With California Coastal Conservancy to Provide Administrative and Technical Support for San Francisco Bay Subtidal Habitat Goals Project**

Authorization requested for the Executive Director or designee to enter into an agreement on behalf of ABAG/SFEP Authorization to Amend a Contract with the State Water Resources Control Board (State Water Board) with the Coastal Conservancy to perform necessary technical and administrative support for the completion of the Subtidal Habitat Goals Project. The agreement will not exceed \$125,000 and the term of the agreement will be June 2006 to April 2008. No ABAG match is required. The work assists with implementation of the CCMP for the San Francisco Estuary.

Q. Authorization to Amend Contract With State Water Resources Control Board (State Water Board)**

Authorization requested for the Executive Director or designee to amend the current agreement by increasing the total amount from \$365,000 to \$590,000. Of the additional \$225,000, \$185,000 will fund ABAG/SFEP staff to carry out contract tasks. The remaining \$40,000 will be used for a pass through agreement to the Marin County Department of Public Works, Division of Land Use and Water Resources to fulfill work (Task 6.TMDL Implementation Alternatives) under the ABAG/SFEP/State Water Board Agreement. The contract end date remains the same, June 15, 2007. No ABAG match is required.

7. GREAT CALIFORNIA DELTA TRAIL SYTEM

Vice President Jacobs Gibson recognized State Senator Torlaksen who addressed members on his SB 1556 that would create a Delta Trail similar to the Bay Trail administered by ABAG. Senator Torlaksen first thanked members for their support of the passage of an infrastructure investment package. The measures, including education, transportation, housing, levees and flood control, and Proposition 42 loophole closure bonds, which now go to ballot in November. He then briefed members on SB 1556, inspired by and modeled after the Bay Trail, which would require the Delta Protection Commission, with direct participation by the Councils of Governments, to establish a web of connections to become the California Delta Trail. He noted that the Delta Trail will be similar to the Bay Trail and will create opportunities for recreation. He described possible relationships based on MOUs or the creation of Joint Powers Authority, the possible support from jurisdictions seeking levee infrastructure funds, and a possible relationship whereby ABAG will provide expertise in planning. Senator Torlaksen encouraged members to consider supporting SB 1556.

Members discussed the competition the Delta Trail will create for the Bay Trail, the availability of funds for jurisdictions outside the delta area for levee protection, the placement of liability for a levee failure, and the inclusion of language in the legislation or MOUs that describe the Delta Trail as an expansion of the Bay Trail.

Senator Torlaksen agreed that language should be included to describe the Delta Trail as an expansion and extension of the Bay Trail, stated that he will continue to work to find funding for the Bay Trail, jurisdictions in the Delta would identify funds to support the Delta Trail, there is an increase in demand for access, and noted that the infrastructure bonds would provide funds for the Delta Trail.

Vice President Jacobs Gibson thanked Senator Torlaksen for speaking with the Board.

8. STATE BUDGET UPATE AND MAY REVISE

Vice President Jacobs Gibson recognized Mr. Mark Hill, Program Budget Manager, State Department of Finance, who presented an overview of the Governor's May Budget Revision and its impact on local government. Mr. Hill commented positively on the state's fiscal outlook and revenues. He reported on a number of specific items in the Governor's proposed May revision, including the on-going structural deficit, Proposition 98, schools and enrollment, corrections, economic recovery bonds, state loans and reserves, flood control, health care, law enforcement. He reported that the outlook is positive for local governments, and commented on booking fees, mandates, transportation, gas and diesel sales tax, mental health and Special Education, property tax, and vehicle license fee.

Members inquired about a special election reimbursement, the state's bond ratings, and the COLA for education.

Vice President Jacobs Gibson thanked Mr. Hill for his presentation.

9. REGIONAL HOUSING NEEDS ALLOCATION PROCESS DISCUSSION**

Vice President Jacobs Gibson recognized Paul Fassinger, Research Director, who reported on the status of Regional Housing Needs Allocation (RHNA) process and the formation of a technical advisory committee. Mr. Fassinger briefed members on the advisory and allocation functions, composition, open-meetings, and consensus recommendations of the proposed Housing Methodology Committee; described the interaction between RHNA, Projections 2007, and Focusing Our Vision; the timeline for

completion of these projects; and funding sources. He requested that the Executive Board support the formation of a Housing Methodology Committee.

Supervisor Scott Haggerty, County of Alameda, and other members commented on the composition of the proposed Housing Methodology Committee and suggested additional outreach and diversity of representation. Members discussed the committee's process of decision making; balance of elected officials, staff, and stakeholders; focus on technical issues. Supervisor Haggerty and Supervisor Barbara Kondylis, County of Solano, volunteered to serve on the committee. Staff will conduct additional outreach for volunteers.

Vice President Jacobs Gibson thanked Mr. Fassinger for his report.

10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE (L&GO) REPORT**

Vice President Jacobs Gibson recognized Chair Shelia Young, Mayor, City of San Leandro, who reported on the activities of the Legislation and Governmental Organization Committee. Mayor Young reported that Mr. Greg Stepanicich, City Attorney, City of Fairfield, and Mr. Paul Valle Riestra, Deputy City Attorney, City of Walnut Creek, briefed the committee on proposed federal and state legislation on cable franchising and telecommunications; Ms. Juliet Cox, Goldfarb & Lipman Attorneys, briefed the committee on eminent domain legislation; and that the committee reviewed pending and new legislation and recommended positions for each. Mayor Young requested that members send letters in support of supplemental appropriations in the amount of at least \$1 million to fund the RHNA process.

Supervisor Adams commented on the telecommunications legislation, particularly on the state legislation, and remarked on planning needed to meet housing legislation requirements. Mayor Mark Green suggested an oppose position on AB 2922. Councilmember Gwen Regalia, City of Walnut Creek, reported that the California Councils of Government is reporting that SB 1800 is dead. Vice Mayor Dan Furtado, City of Campbell, reported that the League of California Cities strongly opposes SB 1800 and is actively involved in the telecommunications issue, and commented on the Anderson Initiative regarding eminent domain.

Vice President Jacobs Gibson thanked Mayor Young for her report.

11. FINANCE AND PERSONNEL COMMITTEE (F&P) REPORT**

Vice President Jacobs Gibson recognized Vice Chair Mark Green who reported on the activities of the Finance and Personnel Committee. Mayor Green reported that the committee recommended approval of support in the amount of \$50,000 for the Bay Area Economic Forum; discussed the annual review of Legal Counsel in July; approved the financial reports for March and April; and reviewed a draft survey instrument prepared by Dr. Rick Brown, The Results Group, for the Strategic Planning process.

Vice President Jacobs Gibson thanked Mayor Green for his report.

12. ADJOURNMENT

Meeting adjourned at 9:30 PM without a quorum present.


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.