

# SUMMARY MINUTES

ABAG Executive Board Meeting No. 333  
September 18, 2003 ■ MetroCenter Auditorium

## 1. **CALL TO ORDER**

Meeting called to order at 7:30 p.m. by President Gwen Regalia, MetroCenter, 101 Eighth Street, Oakland.

### **Representatives and Alternates Present**

Mayor Gwen Regalia  
Supervisor Gail Steele  
Supervisor Scott Haggerty  
Supervisor Mark DeSaulnier  
Supervisor Susan Adams  
Supervisor Mike Rippey  
Supervisor Rose Jacobs Gibson  
Supervisor Barbara Kondylis  
Supervisor Mike Kerns  
Mayor Shelia Young  
Mayor Mark Green  
Mayor Maria Alegria  
Mayor Ken Slavens  
Councilmember Donald Eaton  
Mayor Julia Miller  
Mayor Jose Esteves  
Mayor James Sperring  
Councilmember Steve Rabinowitsh  
Councilmember Pamela Torliatt  
Councilmember Jean Quan  
Councilmember Dave Cortese  
Mary Warren

### **Jurisdiction**

Contra Costa County Cities  
Alameda County  
Alameda County  
Contra Costa County  
Marin County  
Napa County  
San Mateo County  
Solano County  
Sonoma County  
Alameda County Cities  
Alameda County Cities  
Contra Costa County Cities  
Napa County Cities  
San Mateo County Cities  
Santa Clara County Cities  
Santa Clara County Cities  
Solano County Cities  
Sonoma County Cities  
Sonoma County Cities  
City of Oakland  
City of San Jose  
Regional Water Quality Control Board

### **Following Representatives and Alternates Absent**

Supervisor John Gioia  
Supervisor Federal Glover  
Supervisor Gayle Uilkema  
Supervisor Fiona Ma  
Supervisor Matt Gonzalez  
Supervisor Gerardo Sandoval  
Supervisor Mark Church  
Supervisor Richard Gordon  
Supervisor Michael Nevin  
Supervisor Blanca Alvarado  
Supervisor Don Gage  
Supervisor Pete McHugh  
Supervisor Liz Kniss  
Councilmember Carol Dillon-Knutson  
Councilmember Paul Cohen  
Mayor Willie L. Brown, Jr.  
Ms. Maria Ayerdi  
Ms. Alicia Bert  
Ms. Karin Carlson  
Councilmember Carol Klatt  
Councilmember Daniel Quigg  
Councilmember Duane Bay  
Vice Mayor Nancy Nadel

Contra Costa County  
Contra Costa County  
Contra Costa County  
San Francisco County  
San Francisco County  
San Francisco County  
San Mateo County  
San Mateo County  
San Mateo County  
Santa Clara County  
Novato County Cities  
Novato County Cities  
City of San Francisco  
City of San Francisco  
City of San Francisco  
City of San Francisco  
San Mateo County Cities  
San Mateo County Cities  
San Mateo County Cities  
City of Oakland

Councilmember Jane Brunner  
Councilmember Linda J. LeZotte  
Councilmember Ken Yeager  
Councilmember Nora Campos  
Councilmember Terry Gregory

City of Oakland  
City of San Jose  
City of San Jose  
City of San Jose  
City of San Jose

**2. PUBLIC COMMENT**

There was no public comment.

**3. ANNOUNCEMENTS**

President Gwen Regalia reported on the work of the ABAG/MTC Task Force and the public hearing held on September 17<sup>th</sup> stating that she was pleased to see the interest illustrated by an audience of approximately 30 people including AC Transit, SPUR, League of Women Voters, CMA representatives, City of San Pablo representative, Lafayette Homeowners Council, The Bay Area Council and former ABAG Executive Director Emeritus Revan Tranter – all of whom spoke during the hearing. A third meeting of the Task Force is scheduled for Friday, September 19<sup>th</sup> when the Task Force will be looking at a number of organizations that are modeled in the direction the ABAG members of the Task Force would like to go.

President Regalia brought to the Board's attention, Item "P" of the Consent Calendar regarding request for approval of the officer's selection calendar, stating that she will be appointing Supervisor Barbara Kondylis of Solano County, Councilmember Don Eaton, City of San Carlos and Councilmember Julie Pierce, City of Clayton to serve on the canvassing committee. President Regalia also informed the board of a correction to item "M" of the Consent Calendar indicating that the dollar amount should be \$180,000, not \$150,000.

**4. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Eugene Leong briefed the Board on the week long news coverage on the Bay Trail and reported on planning for the Fall General Assembly scheduled for Friday, October 24<sup>th</sup> in the Embarcadero Hyatt Regency, titled "*Under Construction: Building a New Model for Comprehensive Regional Planning and Governance,*" and updated the Board on the Lease Purchase Homeownership Program stating that the Agency has closed approximately 10 homes with several hundred more in the pipeline. Director Leong stated that ABAG is working with many of the city planning departments and literature on the program is available and commented that the agency would also make contact with the League of California Cities.

**5. CONSENT CALENDAR**

**A. Approval of Executive Board Summary Minutes**

The Board approved the Summary Minutes of Meeting No. 332 held on July 17, 2003.

**B. Grant Applications**

The Board approved transmittal of federal grant applications to the State Clearinghouse.

**C. Appointments to Committees**

The Board approved the following committee appointments:

REGIONAL PLANNING COMMITTEE

- Moderator of the Bay Area Congestion Management Agency Directors Association or his/her Designee

**D. Authorization to Amend Agreement No. 02-103 with California State Coastal Conservancy**

The Board approved the Executive Director or designee to amend the agreement between the Association of Bay Area Governments and the California State Coastal Conservancy to extend the term of the agreement to June 30, 2006.

**E. Authorization to Amend Consultant Contract for Services with Peter Melhus**

The Board approved amendment of contract, with Peter Melhus, subject to availability of funds through December 31, 2003. In November 1999 the Executive Board approved a contract with Melhus to serve as Executive Director of the Bay Area Alliance for Sustainable Communities

(formerly Bay Area Alliance for Sustainable Development). The extension will result in additional compensation of \$19,500 over a six-month term. Mr. Melhus' compensation is paid from foundation grants received by Bay Area Alliance Steering Committee members.

**F. Authorization to Submit Proposals to Provide Energy Efficiency Assistance to Entities within PG&E's Service Territory**

The Board authorized the Executive Director or designee, on behalf of ABAG or ABAG POWER to apply for funding with the California Public Utilities Commission (CPUC), PG&E, or other energy agency, or act as a subcontractor to proposals, to assist local governments, businesses, and/or residences in reducing their energy use. It is the intent of ABAG, in partnership with Energy Service Companies and/or local communities, to request funding to assist entities within the PG&E service territory. If successful, ABAG will enter into the necessary contracts to receive the funding and implement the approved energy efficiency services. No ABAG match is required.

**G. Resolution No. 06-03 Authorizing Submittal and Support Proposal Federal Emergency Management Agency (FEMA) for Bay Area Pre-Disaster Natural Hazards Mitigation Planning Project**

The Board approved a request to support and submit a proposal to FEMA, through the State Office of Emergency Services, for a San Francisco Bay Area Pre-Disaster Natural Hazards Mitigation Planning Project. If funded, the Board approved a request for the Executive Director or his designee to enter into contracts with OES and FEMA. The project focuses on compiling a comprehensive community-specific risk assessment with emphasis on flooding, earthquakes, winter storms, and wild land fires. This risk assessment will be used to create a regional mitigation plan that can be adopted by both ABAG and any city or county choosing to do so to fulfill the requirements of FEMA for such a plan. Four hundred-fifty thousand dollars (\$450,000) will be requested from FEMA plus a \$150,000 ABAG match for this 24-month project.

**H. Authorization to Submit Proposal to the State Water Resources Control Board (SWRCB)**

The Board authorized the Executive Officer or designee to submit a proposal, and if awarded, enter into a contract with the State Water Resources Control Board on behalf of the San Francisco Estuary Project, LFR, Levine-Fricke, University of California, SF Bay Regional Water Board, Applied Marine Sciences and other partners named in the proposal. The project will develop pilot testing for wetland design and management options to control Mercury in San Francisco Bay. ABAG/SFEP will administer the contract in an amount not to exceed \$1,400,000 and provide an in-kind match of \$15,000. The project period is February 2004 – March 2008. The project will assist with implementation of the CCMP for the San Francisco Estuary.

**I. Authorization to Enter into an Agreement with the State Water Resources Control Board (SWRCB)**

The Board authorized the Executive Director or designee to enter into a contract with the SWRCB and the San Francisco Bay Regional Water Quality Control Board on behalf of the San Francisco Estuary Project/ABAG to provide outreach, education and stakeholder involvement in the Total Maximum Daily Load process. The contract will not exceed \$100,000 and the contract period is June 15, 2003, through March 1, 2005. No ABAG match is required. The project will assist with implementation of the CCMP for the San Francisco Estuary.

**J. Authorization to Amend Agreement with the California Department of Boating and Waterways (DBW)**

In September 2002, the Executive Board authorized the Executive Director or designee to amend an agreement with the DBW for the San Francisco Estuary Project/ABAG to provide support for a Boater Education Program and a statewide media campaign for recreational boaters. Terms include a pass-through contract to the Santa Monica Bay Restoration Program, the Estuary Project's counterpart. The Board approved amending the not to exceed amount from \$690,000 to \$790,000 and extending the term of agreement from December 31, 2003, to December 21, 2005. SFEP/ABAG and the Santa Monica Bay Program will assist the DBW, Regional Water Quality Control Boards 2 and 4 and the State Water Quality Control Board with a public hearing process on the need for improved vessel sewage waste programs. Tasks will include gathering data and making recommendations to the Boards. The contract assists with the implementation of the CCMP for the San Francisco Estuary.

**K. Authorization to Amend a Contract with Lisa Owens-Viani**

Under terms of the San Francisco Estuary Project/ABAG agreement with the US Environmental Protection Agency, SFEP/ABAG issued a Request for Proposals to provide writing and editing support for SFEP publications. The Board authorized the Executive Director or designee to enter into a contract with the responsive consultant, Lisa Owens-Viani. The Board authorized the Executive Director or designee to amend the contract by increasing the not to exceed amount from \$35,000 to \$70,000 and extend the contract to December 31, 2004). The increased funding provides six additional issues of the newsletter, *ESTUARY*, the 2003 State of the Estuary Report and the 2003 CCMP Environmental Report Card. The contract assists with the implementation of the CCMP for the San Francisco Estuary.

**L. Authorization to Amend a Contract with Joan Patton**

Under terms of the San Francisco Estuary Project/ABAG agreements with the US Environmental Protection Agency, Dept. of Boating and Waterways, and CALFED/Dept. of Water Resources, SFEP/ABAG issued a Request for Proposals to provide education and outreach for recreational boaters and science conference organizing support. The Board authorized the Executive Director or designee to enter into a contract with the responsive consultant Joan Patton. The Board authorized the Executive Director or designee to amend the contract by increasing the not to exceed amount from \$59,000 to \$105,000 and extend the contract to December 31, 2004. The increased funding provides support for the 2003 State of the Estuary conference, the October 2004 CALFED Science Conference and SFEP's Boater Education Program. The contract assists with the implementation of the CCMP for the San Francisco Estuary.

**M. Authorization to Enter into Agreements with Members of the Brake Pad Partnership**

In August 2003, the State Water Resources Control Board awarded a grant of \$700,000 to ABAG/San Francisco Estuary Project to administer the contract for the Brake Pad Partnership. Under terms of the contract, ABAG/SFEP will enter into agreements with Sustainable Conservation (\$150,000); the San Francisco Estuary Institute (\$50,000); Alameda County Clean Water Program (\$30,000); Systech Engineering, Inc. (\$50,000); and URS Corp. (\$85,000); to provide technical, modeling and expert support for the BPP. The Board authorized the Executive Director or designee to enter into agreements with the above named entities for not to exceed amounts from August 2003 to February 2006. The project will assist with the implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

**N. Authorization to Enter into an Agreement with the San Francisco Estuary Institute (SFEI)**

In June 2003, EPA awarded a grant of \$250,000 to ABAG/San Francisco Estuary Project for Phase II of the San Francisco Bay Area Wetlands Regional Monitoring Program (WRMP). Under terms of the agreement, ABAG/SFEP will enter into a contract with SFEI to provide technical support for the WRMP. The Board authorized the Executive Director or designee to enter into an agreement with SFEI in an amount not to exceed \$227,500 over a one-year period, July 2003 – June 2004. The project will assist with the implementation of the Comprehensive Conservation and Management Plan for the San Francisco Estuary.

**O. Authorization to Submit Proposals to Provide Administrative, Planning, and Communications Assistance to the ABAG CALFED Task Force for Regional Water Education, Planning, and Management**

The Board authorized the Executive Director or designee on behalf of ABAG to apply for funding with the California Coastal Conservancy, California Bay Delta Authority Resources Agency and the California Department of Water Resources to assist a large stakeholder group process initiated by ABAG and CALFED in 2000. Funding of up to \$950,000 for continuation of this project would include stakeholder project administration, research, planning, mapping, inter-agency communications and local government, water district and community outreach and education. If successful, ABAG will enter into the necessary contracts to receive the funding and implement the approved project scopes of work. Local match is not expected.

**P. ABAG Officer Election Calendar**

ABAG bylaws provide for the election of President and Vice President of the Association every two years. An election of officers occurs in 2003. The Board endorsed a schedule and procedure including a canvassing committee for officer selection.

It was moved by Kondylis/S/Miller/C/ that the consent calendar be approved.

**6. LEGISLATIVE UPDATE FROM THE CALIFORNIA ASSOCIATION OF COUNCILS OF GOVERNMENTS**

Rusty Selix, Executive Director of CALCOG presented the Board with his annual review of the State's new budget, a state legislative update and provided a packet of GALCOG priority Bills 2003. He pointed out two bills in the package on changes in regional governance both legislative and non legislative. AB773, which changed the composition of the Ventura County Transportation Commission and AB710 that proposes to change the composition of the Orange County Transportation Commission and reported that the Sacramento Area Council of Governments changed its governing board this year from 19 members to 30. Selix reported that while the recall and the budget are the main topics, local government financing, growth strategies and housing are the three main subjects in Sacramento. Selix reported that both the League of California Cities and CSAC have done an extraordinary job of strengthening their political clout and assisted in a significantly larger number of former local elected officials now serving in the legislature. Selix reported that the League and CSAC are concerned about the Triple Flip Sales Tax and Property Tax measure, the fiscalization of land use issues and are looking at an initiative to protect local revenues. Selix commented that the legislature is turning to fee increases, which can be done by the majority vote of the legislature and no vote of the people, reporting that CALCOG is likely to move strongly in that direction in trying to increase transportation revenues next year, utilizing the tendency of the legislature to directly increase things that can be done by fees.

Selix reported on the question of lowering the 2/3 vote requirements commenting that a measure exists sponsored by the Silicon Valley Manufacturers Group that is looking at lowering the vote threshold, mainly for the local transportation sales tax to 55%. The Budget Accountability Act, sponsored by a number of public employee groups, that would reduce the threshold for passing the budget and for raising taxes at the state level to 55% and creates penalties for legislators if the budget is not passed on time. This measure is expected to be on the March ballot and should it pass, will radically change the dynamics for the state budget process next year. Selix stated that it would be a certainty that if it passes and if there is a democratic governor, there will be tax increases passed by the legislature next year and if it doesn't pass, next years budget will be much like this years with no major cuts, no tax increases and other ballot measures to increase taxes and revenues.

Growth Strategies include the implementation of AB857 which guide state agency spending, promote infill, protect resources, and provide efficient development and consistent policies. Selix reported that the state is working on an Environmental Goals and Policy Report, which the state is required to do every 4 years but has not been done since 1978. Selix also reported that there will be no legislation on Housing Element Reform stating that a Task Force Report will be due in November. The Task Force was developed by the State Department of Housing Community Development represented by local and regional government, low income housing advocates and for profit private sector or market rate housing with the idea to reach a consensus on ways to create more meaningful measures of an adequate housing element. SACOG is expected to complete the update of the Regional Transportation Plan within the next couple of years. Supervisor DeSaulnier brought to the Boards attention the Smart Growth Strategy Regional Livability Footprint Project that was completed by ABAG in October 2002 which is ahead of SACOG. Selix commented that he would take a copy of the ABAG report to the next SACOG meeting scheduled the following week.

**7. METROPOLITAN TRANSPORTATION COMMISSION (MTC) UPDATE**

Petaluma Councilmember Pam Torliatt, ABAG's representative on MTC gave an update to the Board that included; Transportation 2030: MTC's New 25 year Regional Transportation Plan, an 18 month-long public involvement process with a kickoff summit that occurred in San Francisco in June 2003. The plan is up for adoption in 2005 and MTC is facilitating the public input process. Torliatt reported that the Bay Area Toll Authority Bridge Project is overseeing several major bridge-related construction projects funded through Regional Measure 1 approved in 1988. The work includes the San Mateo-Hayward Bridge widening, which was completed ahead of schedule in October 2002, the Bayfront expressway widening completed ahead of schedule in July 2003, the Carquinez bridge replacement, scheduled to open November 2003 and the new Benecia-Martinez bridge was reported back on schedule.

Torliatt reported that the BART to SFO expansion is now complete, a new 511 traveler information phone number, launched in December 2002, provides both traffic and transit information, and recently received two awards, the

Innovation Award from the American Public Transportation Association and the California Transportation Foundation's Transportation Management "Tranny." The TransLink Regional Transit Fare Card is scheduled to roll-out in late 2003 which serves as a "universal" transit ticket. Torliatt reported that MTC, in its role as BATA, worked with Caltrans to develop a strategic plan adding one more dedicated FasTrak lane on some of the state owned bridges. Torliatt also reported on MTC's Transportation for Livable Communities (TLC) and Housing Incentive Program (HIP), the current state budget crisis, and Air Quality. Key information resources can be found on the MTC website at [www.mtc.ca.gov](http://www.mtc.ca.gov).

**8. INSECTICIDE MARKET TRENDS AND POTENTIAL WATER QUALITY IMPLICATIONS**

Dr. Kelly Moran, of TDC Environmental and consultant to the ABAG San Francisco Estuary Project gave a presentation on work funded by the San Francisco Bay Regional Water Quality Control Board. Dr. Moran reported that San Francisco Bay area creeks are impaired by pesticide related toxicity, primarily during winter. Bay Area municipalities are now required to prepare and implement Pesticide Management Plans to protect water quality. Dr. Moran's study indicates that the next generation of pesticides may be as problematic as the group that are being phased out now by U.S. EPA. The Board approved Resolution 05-03 to adopt integrated pest management practices to minimize potential adverse effects in aquatic ecosystems from the use of new pesticide products. It was moved by Slavens/S/Cortese/C/. For more information visit [www.tdcenvironmental.com/pesticides.html](http://www.tdcenvironmental.com/pesticides.html)

**9. BAY TRAIL UPDATE**

Janet McBride, ABAG Bay Trail Project Manager briefed the Board on recent Bay Trail activities and showed excerpts from recent media coverage. McBride reported that the project began in 1987, introduced by then State Senator Bill Lockyer with SB 100 which directed ABAG to study the idea of a continuous path around San Francisco and San Pablo Bays. ABAG adopted the Bay Trail Plan in 1989 that includes a separate non profit entity and Board of Directors. McBride reported the benefits of the Bay Trail are targeted for a wide range of users including; walkers, cyclists, and joggers. The Trail connects communities to the bay and to each other, offers linkages to local and regional trails, parks schools, residential and employment centers and offers active recreation as well as areas for solitude. San Mateo and San Clara Counties are 67% completed with the North Bay counties, Napa and Sonoma with less than 10%. 80% of the Bay Trail is separated pathway with 20% for bike lanes and sidewalks adjacent to roadways. 75% of the trail is paved with 25% dirt or decomposed granite. McBride reported that ABAG has received \$11.2 million dollars from the state with 45 grant projects currently active, 80% towards construction projects with 20% towards planning and design. Bay Trail maps are available online at [www.abag.ca.gov](http://www.abag.ca.gov). The Board approved Resolution 04-03 to support early and full integration of public access and trails within the South Bay salt pond restoration. It was moved by Kondylis/S/Adams/C/.

**10. LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Rose Jacobs Gibson, Supervisor, San Mateo County and Chair reported on Committee activities. For information on the L&GO Committee, contact Patricia Jones at 510-464-7933 or [PatJ@abag.ca.gov](mailto:PatJ@abag.ca.gov) or Kathleen Cha at 510/464-7922 or [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov). The Board approved actions of the Committee including support for the LCC & CSAC's constitutional amendment which would require voter approval before state government may confiscate local tax funds. It was moved by Kondylis/S/Alegria/C/.

**11. FINANCE AND PERSONNEL COMMITTEE REPORT**

Chair, Councilmember Steve Rabinowitsh reported on the actions of the F&P Committee, which included the Financial Report for July & August 2003 and the 2003 Diversity and Business Opportunity Report. The Board approved actions of the Committee. It was moved by Rabinowitsh/S/Slavens/C/.

**12. ADJOURNMENT**



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Eugene Y. Leong, Secretary-Treasurer