

SUMMARY MINUTES

ABAG Executive Board
No. 388, September 20, 2012
Joseph Bort MetroCenter
101 8th Street, Oakland, California

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Mark Luce, Supervisor, County of Napa, called the meeting to order at approximately 7:15 p.m.

A quorum of the Board was present.

Representatives and Alternates Present

Supervisor Susan L. Adams
Councilmember Jane Brunner
Councilmember Ronit Bryant
Jeff Buckley, Office of the Mayor
Councilmember Kansen Chu
Supervisor David Cortese
Mayor Pro Tem Pat Eklund
Jason Elliott, Dir, Leg/Gov Affairs
Mayor Jack Gingles
Supervisor John Gioia
Mayor Mark Green
Supervisor Scott Haggerty
Councilmember Nadia Holober
Councilmember Dave Hudson
Supervisor Rose Jacobs Gibson
Councilmember Ash Kalra
Supervisor Barbara Kondylis
Supervisor Mark Luce
Councilmember Julie Pierce
Supervisor Dave Pine
Councilmember Joe Pirzynski
Mayor Harry Price
Vice Mayor Tiffany Renee
Councilmember A. Sepi Richardson
Mayor Tim Sbranti
Joaquin Torres, Office of the Mayor
Supervisor Richard Valle
Vice Chair Terry Young

Jurisdiction

County of Marin
City of Oakland
City of Mountain View
City of San Francisco
City of San Jose
County of Santa Clara
City of Novato
City of San Francisco
City of Calistoga
County of Contra Costa
City of Union City
County of Alameda
City of Millbrae
City of San Ramon
County of San Mateo
City of San Jose
County of Solano
County of Napa
City of Clayton
County of San Mateo
Town of Los Gatos
City of Fairfield
City of Petaluma
City of Brisbane
City of Dublin
City of San Francisco
County of Alameda
RWQCB

Representatives Absent

Councilmember Desley Brooks
Supervisor Carmen Chu
Councilmember Rebecca Kaplan
Councilmember Sam Liccardo
Supervisor Karen Mitchoff
Supervisor Christina Olague
Supervisor David Rabbitt
Supervisor Mike Wasserman

Jurisdiction

City of Oakland
County of San Francisco
City of Oakland
City of San Jose
Count of Contra Costa
County of San Francisco
County of Sonoma
County of Santa Clara

President Luce led the Board and the public in the Pledge of Allegiance.

President Luce welcomed Richard Valle, Supervisor, County of Alameda; Tim Sbranti, Mayor, City of Dublin, representing the cities in Alameda County; and Joaquin Torres and Jeff Buckley, Office of the Mayor, City and County of San Francisco.

2. PUBLIC COMMENT

Rabbi Jay Miller, Executive Director, Peninsula Clergy Network, spoke about a framework for achieving clergy and congregation community partnerships and constituent engagement.

There was no other public comment.

3. ANNOUNCEMENTS

There were no announcements.

4. PRESIDENT'S REPORT

President Luce reported that the Co-location Subcommittee sent a survey to members posing questions about the possible co-location to 390 Main in San Francisco. Very few members responded to the survey, which was sent two or three times. The last meeting of the Co-location Subcommittee did not produce a quorum. Since then the Administrative Committee met and has assumed responsibility for making a recommendation to the Board on the decision to co-locate.

President Luce also announced that Napa Work Proximity Housing Program received a CSAC Challenge Award.

5. EXECUTIVE DIRECTOR'S REPORT

Ezra Rapport, ABAG Executive Director, announced that the Fall General Assembly will be held on October 18, 2012, and will feature the release of the 2012 Economic Strategy Framework prepared in conjunction with the Bay Area Council Economic Institute.

6. ABAG CONSENT CALENDAR

President Luce recognized a motion by Barbara Kondylis, Supervisor, County of Solano, which was seconded by Jack Gingles, Mayor, City of Calistoga, to approve the Consent Calendar. Ronit Bryant, Councilmember, City of Mountain View, noted that the name and jurisdiction of Michael Kasparzak, Mayor, City of Mountain View, was listed incorrectly in the Summary Minutes of the meeting on July 19, 2012, under Item 6, Appointments to Committees. Pat Eklund, Mayor Pro Tem, City of Novato, noted that the request that staff report on the public participation process for the SCS and EIR was omitted in the Summary Minutes under Item 5. There were no other changes. The motion, including the changes to the Summary Minutes of the meeting on July 19, 2012, passed unanimously.

A. Approval of Executive Board Summary Minutes**

Summary of Minutes of Meeting No. 387 held on July 19, 2012.

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. Executive Board Approval of Resolution No. 15-12 Authorizing Entering Into Agreement with State Water Resources Control Board for Proposition 84 Planning

and Monitoring Funding for Green Infrastructure Master Planning Project**

Authorized entering into an agreement with the State of California to fund and complete the Green Infrastructure Master Planning Project and authorize the Executive Director of ABAG, or designee, to sign the agreement, and any amendments thereto.

7. COASTAL REGIONAL SEDIMENT MANAGEMENT PLAN FOR SAN FRANCISCO LITTORAL CELL (SAN FRANCISCO TO PACIFICA COASTLINE)**

Athena Honore, Communications Officer, San Francisco Estuary Partnership, reported on the San Francisco Littoral Cell Coastal Regional Sediment Management Plan (CRSMP) project recently undertaken for a portion of the San Francisco and San Mateo Counties Pacific coastline. She listed the goals of the plan and its components, described the plan area, and listed the project partners. The plan will identify critical coastal erosion areas and proposed solutions. She reviewed the project schedule and ABAG's role regarding public outreach and developing a governance structure. The project expects to bring a request to Board in late 2013 to adopt the plan and to establish a new program committee to provide an ongoing governance structure to implement Regional Sediment Management after the plan is adopted.

Members discussed whether other areas will be included after this project is completed; engagement with San Francisco and other jurisdictions on their existing efforts; the availability of funds to complete proposed work; local land use planning and zoning authority; and stakeholder forums.

8. BAY TRAIL OVERVIEW AND RECENT ACCOMPLISHMENTS**

Laura Thompson, Project Manager, San Francisco Bay Trail Project, reported on recent accomplishments. She reviewed the Bay Trail objectives, including advance completion of the 500-mile trail, providing funding to local agencies for trail planning and construction, and educating the public about the trail along the bay shoreline. She reported on trail openings in 2012, including the Glen Cove Waterfront Park, Vallejo; Presidio of San Francisco; Palo Alto EcoCenter; Port of Richmond; and the Napa River Trail in American Canyon.

Thompson reported that in the past 15 years, 137 planning, construction and outreach grants were awarded totaling over \$17 million which was matched at a four-to-one ratio. The program resulted in construction of 57 new trail miles and over 130 miles of detailed analysis. The Coastal Conservancy will allocate an additional \$1 million from Proposition 84 funds this fiscal year. She reported on the publication of the revised *San Francisco Bay Shoreline Guide* in August, and new maps and brochures which will be available in November.

Members discussed references made to Union City in the *San Francisco Shoreline Guide*; appreciation for Thompson and the Bay Trail board's leadership; and acknowledged MTC's continuing support of the Bay Trail Project.

9. LOCAL GOVERNMENT LEADERSHIP MEETINGS**

Miriam Chion, Acting Planning Director, reported on recent leadership meetings being held throughout the region in conjunction with Congestion Management Agencies. She reviewed planning activities to date, including the Job-Housing Connection Strategy, Transportation Investment Strategy, RHNA, and environmental review. She described the SCS implementation and the regional, county, and local

coordination; and coordination with local jurisdictions on regional funding to support local planning and PDA growth strategies. She reported on feedback from local discussions, including those from the counties of Napa, Solano, Santa Clara, San Francisco, Contra Costa, and Sonoma.

Members discussed the public participation process related to the SCS environmental impact report, and opportunities to inform and educate councilmembers.

10. ABAG BUILDING RELOCATION POLICY PRINCIPLES**

Ezra Rapport, Executive Director, reported on a proposed relocation policy to 390 Main Street, San Francisco, and including negotiation principles under the auspices of the Administrative Committee for Board adoption. He reviewed key questions to be considered, including the importance of co-location between ABAG and MTC, building logistics and access, and negotiation principles. He described ABAG functions such as land use planning and research, the JPA insurance pool (PLAN), the finance authority (FAN), the energy division (POWER), and management and administration; listed the benefits of co-location for ABAG and MTC planning and the planning programs co-managed between ABAG and MTC which include PDA planning, PDA Growth Strategies and Investment, Communications and website, SGC and HUD grants, SCS EIR, UrbanSim modeling. He summarized building logistics and accessibility. He listed terms for discussion which include the following (see appended staff memo on ABAG Building Relocation Policy dated September 7, 2012, with technical amendments, and staff presentation on *Considerations Regarding ABAG Relocation to Regional Headquarters at 390 Main Street SF*, dated September 20, 2012):

1. Relocation expenses shall result in no cost to ABAG,
2. ABAG shall receive tenure security in the 390 Main building, equivalent to its rights at the MetroCenter;
3. Building governance shall protect ABAG in a similar manner as in the MetroCenter;
4. ABAG's space allocation shall have the same capacity as MetroCenter;
5. Relocation of ABAG's space shall be by mutual agreement only;
6. ABAG's annual costs of occupancy will be reasonably equivalent to ABAG's annual costs of occupying the MetroCenter;
7. ABAG will be granted rights to the programming of auditorium;
8. Parking for Board members for all meetings will be accommodated;
9. Shuttle for ABAG meetings, as needed;
10. Building cafeteria to be provided.

He reported on the State Auditor's report that validates the MTC building purchase; and noted that co-location integrates regional planning with MTC, the Air District, and potentially BCDC, and that the Council of Governments (ABAG) co-located with the Metropolitan Transportation Planning Organization (MTC) is the norm for every region in the United States.

He reported that the Administrative Committee met and reviewed the study on relocation and recommended that the Board approve the principle of relocating ABAG to the regional headquarters building in San Francisco, subject to negotiations on terms and conditions of discussion which would be managed by the Administrative Committee and brought to the Board.

Steve Heminger, Executive Director, Metropolitan Transportation Commission, commented on the Commission's decision regarding relocation, and on the continuing work and integration of planning among the agencies.

Members discussed the need to establish whether there is interest among the Board members in relocating before discussing negotiation principles; security and night time parking at 390 Main Street; discussions at the Administrative Committee meeting and the connection between relocation and the principles; the need for a subsidized cafeteria; discrepancies between the staff report and the direction given by the Administrative Committee; ABAG's ownership interest in 390 Main Street, arrangements regarding data and email systems, disposition of the MetroCenter, and transit subsidy for employees; the public process and presentation of information about the relocation; new building costs; technological alternatives to in-person meetings; ABAG's long presence in Oakland; arguments for and against relocation; assistance for employees affected by relocation; advantages to relocation and co-location; available transit near 390 Main Street; diversity program and advancement opportunities, impacts on families, and gauging employees' response to relocation; the relationship between land use and transportation planning functions; achieving terms consistent with negotiation principles; public access and building location; ABAG's effectiveness separate from other agencies; decision process; consolidation of agencies; protecting employees' interests.

President Luce recognized a motion by Mayor Gingles, which was seconded by Ash Kalra, Councilmember, City of San Jose, to approve the intent to co-locate with terms to be negotiated.

Members discussed the impact of MTC's decision to relocate and overcome hurdles.

President Luce recognized a substitute motion by Tiffany Renee, Vice Mayor, City of Petaluma, which was seconded by Pat Eklund, Mayor Pro Tem, City of Novato, to negotiate the possibility of co-location depending on satisfaction of conditions to be determined in closed session.

Members discussed having a discussion of principles for negotiations.

President Luce recognized the withdrawal of the substitute motion and the original motion.

Public comment was heard from Joyce Roy who spoke about feasible co-location alternatives, sustainable principles, the architectural design and function of the building at 390 Main Street, San Francisco, and financial risk.

The Board entered closed session at about 9:15 PM.

The Board returned to open session at about 10:32 PM.

Ken Moy, ABAG Legal Counsel, reported the following: the Executive Board announced that the following action was taken in its closed session pursuant to Government Code Section 54956.8 to confer with real property negotiators to discuss building co-location and the acquisition of real property:

The Executive Board of ABAG has authorized its negotiating team of Ezra Rapport, Ken Moy, Herbert Pike and Pat Jones to negotiate with the Metropolitan Transportation Commission and the Bay Area Headquarters Authority for the acquisition of a condominium interest in 390 Main Street. The vote was 16 to 8.

11. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT**

Committee Chair Julie Pierce, Councilmember, City of Clayton, reported on Committee activities and asked Board approval of Committee recommendations and pending legislation, including the following: report on the status of 2012 state legislation considered; report on CEQA guidelines analysis and the Ballona Wetlands Trust with committee approval of the process to achieve clarification of the CEQA guidelines; overview of pension reform legislation; discussion of Regional Sea Level Rise Adaptation Strategy with committee support and affirmation of the proposed preliminary work plan which will be co-managed by ABAG and BCDC; and discussion of November ballot propositions and decision to decline taking positions on any of them.

President Luce recognized a motion by Committee Chair Pierce, which was seconded, to accept the committee report. Members discussed including the positions taken by the League of California Cities and the California State Association of Counties on the committee's report on the status of legislation, and directed staff to check with Air District regarding the status of the Ballona Wetlands Trust lawsuit. The motion passed unanimously.

12. FINANCE & PERSONNEL COMMITTEE REPORT**

Committee Chair Rose Jacobs Gibson, Supervisor, County of San Mateo, reported on Committee activities and asked Board approval of Committee recommendations, including the following: review of financial reports for June; report on Diversity and Business Opportunity Report; committee recommendation to approve Executive Board Resolution 16-12 which would authorize payment of *per diem* for attending a meeting where quorum was not achieved; update on budget discussions regarding long-term funding for ABAG Planning and Research; review of recent state legislation on pension reform; and a closed session on Public Employee Performance Evaluation for Legal Counsel.

A. Fiscal Year 2011-12 Diversity and Business Opportunity Report

President Luce recognized a motion by Committee Chair Jacobs Gibson, which was seconded by Kondylis, to accept the committee report. The motion passed unanimously.

13. CLOSED SESSION

[The Board entered closed session earlier under Item 10.]

The following item was discussed in closed session pursuant to the requirements of the Ralph M. Brown Act:

A. The ABAG Executive Board met in closed session pursuant to Government Code Section 54956.8 to confer with real property negotiators to discuss building co-location and the acquisition of real property:

ABAG Negotiators: Ezra Rapport, Executive Director; Kenneth Moy, Legal Counsel; Herb Pike, Finance Director; and Administrative Committee

Under Negotiation: Update on discussions regarding co-location to Regional Facility, 390 Main Street, San Francisco

14. ADJOURNMENT

President Luce adjourned the meeting of the Board at approximately 10:40 p.m.


Ezra Rapport, Secretary-Treasurer

*** Attachments sent to ABAG Executive Board Members.*

For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.

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