

# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 357, September 20, 2007  
MetroCenter Auditorium  
101 8th Street, Oakland, CA

## 1. CALL TO ORDER

President Cortese called the meeting to order at approximately 7:09 p.m.

### Representatives and Alternates Present

Supervisor Susan Adams  
Vice Mayor David D. Cortese  
Supervisor Chris Daly  
Councilmember Carole Dillon-Knutson  
Mike Farrah, Senior Advisor to the Mayor  
Mayor Dan Furtado  
Mayor Jack Gingles  
Supervisor John Gioia  
Mayor Mark Green  
Supervisor Scott Haggerty  
Vice Mayor Nadia Holober  
Supervisor Rose Jacobs Gibson  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Mayor Janet Lockhart  
Supervisor Mark Luce  
Supervisor Peter McHugh  
Mayor Steve Messina  
Supervisor Ross Mirkarimi  
Mayor Pro Tem Gwen Regalia  
Councilmember A. Sepi Richardson  
Supervisor Gail Steele  
Mayor Pamela Torliatt  
Supervisor Gayle B. Uilkema  
Councilmember Forrest Williams

### Jurisdiction

County of Marin  
City of San Jose  
County of San Francisco  
City of Novato  
City of San Francisco  
City of Campbell  
City of Calistoga  
County of Contra Costa  
City of Union City  
County of Alameda  
City of Millbrae  
County of San Mateo  
County of Solano  
City of San Jose  
City of Dublin  
County of Napa  
County of Santa Clara  
City of Benicia  
County of San Francisco  
City of Walnut Creek  
City of Brisbane  
County of Alameda  
City of Petaluma  
County of Contra Costa  
City of San Jose

### Representatives Absent

Aimee Albertson, Dir., Intergov. Affairs  
Councilmember Jane Brunner  
Mayor Jose Esteves  
Supervisor Jerry Hill  
Supervisor Mike Kerns  
Councilmember John Marquez  
Councilmember Nancy Nadel  
Vice Mayor Jean Quan  
Mary C. Warren  
Supervisor Ken Yeager

### Jurisdiction

City and County of San Francisco  
City of Oakland  
City of Milpitas  
County of San Mateo  
County of Sonoma  
City of Richmond  
City of Oakland  
City of Oakland  
RWQCB  
County of Santa Clara

## 2. PUBLIC COMMENT

There was no public comment.

### **3. ANNOUNCEMENTS**

A. Sepi Richardson, Councilmember, City of Brisbane announced that Gayle B. Uilkema, Supervisor, County of Contra Costa, was awarded the Outstanding LAFCO Commissioner in the State by the State Local Agency Formation Commission.

There were no other announcements.

### **4. PRESIDENT'S REPORT**

President Cortese reported that the Fall General Assembly will be held on Friday, October 26<sup>th</sup> at the Marriott City Center in Oakland. This GA is being held jointly with the MTC Transportation Summit. The theme is *Bay Area on the Move*. The program will feature discussions about FOCUS Priority Development and Conservation Areas, Transportation 2035, and will include audience participation through electronic voting. Chicago Mayor Richard Daley has been invited to serve as luncheon keynote speaker and MTC Commission Chair Bill Dodd and President Cortese will introduce a panel of stakeholders and elected officials who will respond to the policy direction of FOCUS and Transportation 2035—MTC's regional transportation plan.

President Cortese noted that his term as ABAG President will be ending at the January Executive Board meeting and the Board is asked to approve the election schedule and the canvassing committee. He stated his intention to appoint Supervisor Scott Haggerty and Councilmember Jane Brunner to serve on this committee along with Legal Counsel Ken Moy.

As ABAG's representative to MTC, President Cortese called attention to the opening of the new Benicia-Martinez Bridge that opened on August 25<sup>th</sup>. Funded primarily through the Regional Measure 1 toll program approved by voters in 1988 and administered by the Bay Area Toll Authority, the \$1.2 billion New Benicia-Martinez Bridge project encompassed construction of an all-new interchange between Interstates 680 and 780 in Benicia, reconstruction of the I-680/Marina Vista interchange in Martinez, and a new toll plaza on the Martinez side of the bridge, and dedicated high-occupancy vehicle lane and two open-road tolling lanes.

The New Benicia-Martinez Bridge (named for Congressman George Miller) is just east of and parallel to the Union Pacific Railroad bridge and the original 1962 freeway bridge which is named for Representative George Miller's father, the late George Miller, Jr.

### **5. EXECUTIVE DIRECTOR'S REPORT\*\***

Executive Director Gardner reported that after missing the state budget deadline by nearly two months, the budget is already the subject of a lawsuit. Public transit advocates have sued to prevent the administration from taking funds from a transportation account to help balance the budget. If the transfer is overturned by the courts, there will be major cuts in other programs and services.

On August 28<sup>th</sup>, ABAG staff met with representatives of Chevron, the City of Richmond and Caltrans to advance closure of the Bay Trail gap at the Chevron refinery. This was the third meeting staff has had with Chevron representatives regarding the Bay Trail alignment. A staff site visit has been scheduled for October 4<sup>th</sup> to determine feasible routes that could ultimately be approved by the US Coast Guard and incorporated into the Richmond Refinery's Security Plan.

On September 20<sup>th</sup>, the Coastal Conservancy will approve a \$3 million grant to the Bay Trail project. These funds will be allocated to local jurisdictions for planning and construction of Bay Trail segments. Applications are now being accepted. The ABAG Executive Board will consider adoption of a resolution authorizing acceptance of this Conservancy grant.

The 8<sup>th</sup> Biennial State of the San Francisco Estuary Conference provides a biennial assessment of the ecological health of the San Francisco Bay-Delta Estuary. This year's theme is *A Greener Shade of Blue*. The conference is scheduled for October 16, 17, and 18, at the Oakland Scottish Rite Center on Lake Merritt. It will present the latest information about the estuary's changing conditions, including impacts from major stressors, recovery programs for species and habitats, and an examination of emerging issues. Executive Director Gardner will chair the morning session on October 16<sup>th</sup> focusing on the value a healthy estuary brings to the local economy and the importance of integrating environmental, economic, and social equity goals to advance regional sustainability. The afternoon sessions will present the latest information about the estuary's changing conditions. Presentations on October 17 will take a more in-depth look at issues affecting the estuary from a regional perspective working from the Delta to the Bay. October 18 offers concurrent sessions covering three main topics in detail: Land Use, Pollution, and Restoration.

A number of talks will highlight the San Francisco Estuary Project's recent update of its management plan, the Comprehensive Conservation and Management Plan for the San Francisco Bay-Delta Estuary, which will be released at the conference.

The conference is sponsored by the San Francisco Estuary Project, Association of Bay Area Governments, CALFED Science Program, Friends of the San Francisco Estuary, San Francisco Estuary Institute, the San Francisco Regional Water Board, and many federal, state and local agencies, organizations and businesses.

On August 24<sup>th</sup>, ABAG conducted its second Other Post Employment Benefits (OPEB) Symposium concentrating on policies, politics, human resource and legal issues of OPEB. The symposium was well attended and well received.

*Bay Area on the Move* is the theme of ABAG and MTC's jointly sponsored Fall General Assembly and Transportation Summit on Friday, October 26<sup>th</sup> in Oakland at the Marriott City Center. The program is designed to obtain public input of the direction of the Regional Transportation Plan and the Focusing Our Vision Priority Development Areas.

At a press conference on August 3<sup>rd</sup>, the Deputy Director of the Federal Aviation Administration announced that MTC, as the Metropolitan Planning Organization, would receive \$585,000 on behalf of the Regional Airport Planning Committee (RAPC). RAPC is a joint ABAG/MTC/BCDC committee. RAPC is holding a public workshop on September 19<sup>th</sup> to inform the public about progress on Regional Airport System Analysis update. Of the \$585,000, between \$75,000 and \$85,000 will be passed through to ABAG. This portion of the grant will be to work with the general aviation airports in our region to inventory land around general aviation airports and recommend critical parcels that need to have either their development rights acquired or limited.

ABAG staff is working with member jurisdictions in preparation for the 2010 Census. Over 80 cities attended the first round of Local Update of Census Addresses (LUCA)

Workshops earlier this year. LUCA is the program that allows cities and counties to receive and correct the address list that the Census Bureau will use for sending out forms at the time of the Census. A second round of workshops is now starting. ABAG staff will be attending the workshops around the region and meeting local government staff to inform them that ABAG will assist if they need guidance in preparing for the 2010 Census. To participate, cities and counties must apply by November 18 to receive the full 120-day review period.

ABAG staff has been working with the cities of Berkeley and Oakland to develop a model ordinance to encourage homeowners to seismically retrofit their homes. In both cases the cities have reduced the permit fees for seismic retrofits and offered up to \$5,000 rebates from the real estate transfer taxes if the work is completed within fourteen months after the close of escrow. Executive Director Gardner participated in a press conference last month announcing the Oakland program.

ABAG held a successful golf tournament benefiting the Bay Trail and Tranter/Leong Management Internship. The tournament, which was held on July 27<sup>th</sup> at the MetroLinks Golf Course in Oakland, raised about \$20,000 which will support both the Bay Trail and the Internship, which hired its first graduate student intern this summer.

Municipal Financing closed through ABAG Finance Authority for Nonprofit Corporations programs since the last report include: \$400 million in General Obligation Bonds purchased and sold on behalf of BART to fund earthquake safety improvements throughout the three-county system; \$135 million in tax-exempt revenue bonds to finance new facilities for the Oshman Family Jewish Community Center and \$165 million in tax-exempt revenue bonds to finance construction of The Charleston, a new senior living facility, both to be located on the new Campus for Jewish Life in the City of Palo Alto; \$20 million in variable rate tax-exempt financing issued on behalf of the County of Santa Clara for the Harker School in the City of San Jose for construction of educational facilities; on behalf of the County of El Dorado, \$12.75 million in tax-exempt revenue bonds to construct Eskaton Village Placerville, a 40-bed assisted living and 24-unit memory care center; on behalf of the City and County of San Francisco, \$31 million in tax-exempt revenue bonds to fund seismic work and to refinance higher interest rate debt on the facilities of the Schools of Sacred Heart.

President Cortese thanked Mr. Gardner for his report.

## **6. CONSENT CALENDAR**

President Cortese recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and seconded by Rose Jacobs Gibson, Supervisor, County of San Mateo, to approve the consent calendar. The motion passed unanimously.

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

No. 356, July 19, 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. 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 2007. The Board endorsed a schedule and procedure, and appointed Scott Haggerty, Supervisor, County of Alameda; Jane Brunner, Councilmember, City of Oakland; and Ken Moy, ABAG Legal Counsel to a canvassing committee for officer selection.

**D. Adoption of Resolution No. 13-07 Authorizing ABAG to Enter into Contract with California Coastal Conservancy for Funding and Managing a Variety of Individual Projects Furthering Development of San Francisco Bay Trail\*\***

Authorized the Executive Director or designee to enter into a contract with the California Coastal Conservancy for \$3,000,000 to develop individual grant projects that will further development of the San Francisco Bay Trail.

**E. Authorization to Enter into Contract with the San Francisco Estuary Institute (SFEI) and to Execute Pass Through Agreement with California Prison Industry Authority (PIA) to Provide Digital Support Services for San Francisco Bay Area Wetlands Monitoring Needs\*\***

Authorized the Executive Director or designee to enter into a contract with SFEI to provide technical assistance with SFEI's Wetlands Regional Mapping effort. The amount of the agreement will not exceed \$44,000 and the term of the agreement is August 2007 through October 1, 2009. No matching funds are required. Under terms of this agreement, ABAG/SFEP will enter into a pass through agreement with the PIA to create a GIS digital map. Authorization is requested for the Executive Director or designee to execute an agreement with the PIA in an amount not to exceed \$40,000. The term of the agreement is August 2007 through October 1, 2009.

**F. Authorization to Enter into Memorandum of Understanding (MOU) with San Francisco Bay Regional Water Board (Water Board) and the California Dept. of Transportation (Caltrans) Concerning Implementation of Alternative Stormwater Treatment Best Management Practices (BMPs) and Execute Interagency Agreement with Caltrans for Implementing Alternative BMP Projects\*\***

Authorized the Executive Director or designee to execute the MOU with Caltrans and the Water Board and the Interagency Agreement with Caltrans for implementing alternative stormwater treatment BMPs at off-site locations. The not to exceed amount of the Interagency Agreement is \$5,000,000 and the term is 2007 to 2010.

**G. Authorization to Enter Into Sole Source Contract with Welker Bros Carpet and Window Covering Contractors to Recarpet ABAG Offices and Common Areas for an Amount Not to Exceed \$100,000\*\***

Authorized the Executive Director or designee to enter into a sole source contract with Welker Bros. Flooring and Window Covering Contractors for an amount not to exceed \$100,000 to purchase and installation of carpeting for ABAG's offices and common areas for an amount not to exceed \$100,000.

**7. CALIFORNIA PRODUCT STEWARDSHIP COUNCIL: EXTENDED PRODUCER RESPONSIBILITY FOR ELECTRONIC WASTE\*\***

President Cortese recognized Carol Misseldine, Co-Director of the California Product Stewardship Council (CPSC) who presented CPSC's case for Extended Producer Responsibility, an approach that shifts the burden from local governments and rate payers to manufacturers, and described how local governments can support CPSC's work. The CPSC is an organization of local governments formed to address the significant environmental impacts and financial costs of proper collection and

disposal of electronic devices, fluorescent tubes, batteries, prescription drugs and other hazardous or toxic items.

Ms. Misseldine described the Universal Waste Ban, CPSC's mission to decrease the burden on local government and increase accountability of manufacturers, cost of compliance by local jurisdictions, universal waste and local responsibility, producer responsibility, and steps local jurisdictions can take to support CPSC, including joining CPSC, lobbying for statewide legislation, and passing extended producer responsibility resolutions, ordinances, and plans and policies. (The presentation is available at [www.abag.ca.gov/hazwaste/extendedproducerresponsibility.html](http://www.abag.ca.gov/hazwaste/extendedproducerresponsibility.html). More information about CPSC is available at [www.caproductstewardship.org](http://www.caproductstewardship.org).)

Members inquired about the involvement of the Regional Water Control Board or other solid waste authorities, and the standardization of adapters or accessories for electronic devices.

President Cortese recognized a motion by Mark Luce, Supervisor, County of Napa, and seconded by Supervisor Kondylis, to direct the Hazardous Waste Allocation Committee to notify members of extended producer responsibility for universal waste. The motion passed unanimously.

President Cortese thanked Ms. Misseldine for her presentation.

#### **8. REGIONAL TRANSPORTATION PLAN – ALTERNATIVE SCENARIOS**

President Cortese recognized ABAG Research Director Paul Fassinger and Doug Kimsey, Planning Director, Metropolitan Transportation Commission (MTC), who provided an overview of the 2009 RTP and potential scenarios being considered as part of the plan, including an alternative land use scenario.

Mr. Kimsey reported on the 2009 Regional Transportation Plan update, describing the vision and financial constraints elements of the plan; the challenges faced; the economy, environment and equity issues; scenario performance assessments; goals and targets; and identification of performance categories.

Mr. Fassinger reported on the land use sensitivity analysis, including land use and transportation linkages, and pricing times to regulate demand. He described the process of moving geographic areas using an allocation method based on Projections 2007 to achieve jobs/housing balance.

Mr. Kimsey described the pricing sensitivity analysis, including doubling of the gas tax, parking charges, and congestion charging fees; combining the sensitivity analyses; outreach; and next steps leading to the draft plan.

Members discussed the number of toll lanes on bridges planned for electronic toll collection; whether the RTP will assist ABAG in meeting the State's housing allocations; financing scenarios for building additional High Occupancy Toll (HOT) lanes and transportation infrastructure; ownership housing for affordable housing categories; performance assessments of key measures in the previous plan; air quality and power plants as sources of green house gases and pollution; and ensuring projects reflect housing needs.

President Cortese thanked Mr. Fassinger and Mr. Kimsey for their report.

**9. COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN (CCMP) REVISION**

President Cortese recognized Marcia Brockbank, Director of the San Francisco Estuary Project (SFEP), who reviewed the major revisions to the Comprehensive Conservation and Management Plan. Ms. Brockbank provided background on the SFEP and the requirement for a CCMP. This is the first revision of the CCMP, which was originally approved in 1993. She described the role of the SFEP Implementation Committee and the Steering Committee that conducted the CCMP review process. The Implementation Committee approved the revised CCMP on August 3<sup>rd</sup> and forwarded it to the Executive Council. The concurrence letter from the U.S. Environmental Protection Agency was received on September 19<sup>th</sup>.

Executive Director Gardner acknowledged Ms. Brockbank's exceptionally fine leadership of the SFEP for over 14 years and informed members of her planned retirement at the end of the year. Members recognized Ms. Brockbank for her leadership and service as Director of the San Francisco Estuary Project.

President Cortese recognized a motion by Supervisor Kondylis, and seconded by Pamela Torliatt, Mayor, City of Petaluma, to approve concurrence with the adoption of the Comprehensive Conservation and Management Plan revisions. The motion passed unanimously.

President Cortese thanked Ms. Brockbank for her report and service.

**10. REVIEW AND ADOPTION OF REVISED SMART GROWTH PRINCIPLES\*\***

President Cortese recognized Kenneth Kirkey, ABAG Planning Director, who presented the updated Smart Growth Principles for review and adoption by the Board.

Mr. Kirkey reported that the Joint Policy Committee, as part of the FOCUS initiative, amended the 2002 Smart Growth Preamble and Policies related to health and safety; economic activity and goods distribution; land for future urban development; conservation of aesthetic, historic, and cultural resources; schools and educational quality; and sustainability in green building. The purpose of the amendments was to bring the preamble and policies closer to what the regional agencies are trying to accomplish through the FOCUS initiative. The amendments have been adopted by three regional agencies.

Members discussed including a statement about providing housing for a wide range of needs, and promoting living wages for social justice and equity.

President Cortese recognized a motion by Supervisor Kondylis, and seconded by Supervisor Jacobs Gibson, to adopt the Smart Growth Preamble and Principles as amended dated March 2007. Susan Adams, Supervisor, County of Marin, offered a friendly amendment, which was accepted, to direct staff to consider including language in the Smart Growth Principles that recognizes a diversity of housing opportunities and types. The motion passed unanimously.

Mr. Kirkey continued with an overview of the Priority Development Area and Priority Conservation Area processes. He described the FOCUS initiative and the PDA and PCA objectives. He reported on the PDA applications received and the work of the FOCUS Working Group reviewing the applications. He then reported on the PCA applications received, and noted the role of the State Coastal Conservancy in the PCA process and the funds they plan to make available through Proposition 84.

Members inquired about the review of applications by counties and cities affected. Mr. Kirkey stated that consensus by the local jurisdiction would be required to receive PCA designation.

President Cortese thanked Mr. Kirkey for his report.

#### **11. REGIONAL PLANNING COMMITTEE QUORUM REQUIREMENTS\*\***

President Cortese recognized Regional Planning Committee Chair, Mayor Mark Green, City of Union City, who requested that the Executive Board change the quorum requirement for the Regional Planning Committee to 40 percent of the seats on the Committee.

Mayor Green reported on the problem of achieving quorum at the Regional Planning Committee. He proposed adjusting the threshold for a quorum and suggested reviewing the number of committee seats.

President Cortese recognized a motion by Mayor Green, and seconded by Gwen Regalia, Mayor Pro Tem, City of Walnut Creek, to change the quorum requirements for the Regional Planning Committee to 40 percent of the seats on the committee.

Mr. Moy noted that the quorum requirement for a policy body and its committees is a function of a policy. In the case of ABAG's Executive Board, that policy is set in the Bylaws. In the case of all the committees to ABAG, that is set in policy adopted by this Board and is the reason why the quorum can be changed from 50 percent to anything that is lower and that is still representative for the body to take action.

President Cortese pledged to work the Mayor Green on filling the vacant committee seats. Members discussed alternative majority thresholds; the policy implications for the number of RPC seats and the political issues for vacancies; alternative meeting modes and the requirements of the Brown Act; replacing members who do not attend meetings, etc.

The motion passed with one nay vote (Carole Dillon Knutson, Councilmember, City of Novato).

President Cortese thanked Mayor Green for his report.

#### **12. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

President Cortese recognized Committee Chair Pete McHugh, Supervisor, County of Santa Clara, who reported on Committee activities. Supervisor McHugh reported that the committee reviewed the status of bills previously considered, in particular those bills with amendments that were passed, enrolled and sent to the Governor. The committee recommended that letters be sent to the Governor requesting a veto on AB 162 (Wolk) and SB 2 (Cedillo). The committee considered the over-concentration of residential care facilities in neighborhoods and recommended support of a resolution of the League of California Cities which includes a proposed 300 foot separation for new facilities. The committee recommended a policy that directs staff between meetings to send letters of support or opposition on bills before the Governor if amendments meet the criteria proposed by the committee for support or opposition. The committee reviewed SB 976 (Torlaksen).

President Cortese recognized a motion by Supervisor McHugh, and seconded by Mayor Pro Tem Regalia, to accept the Legislation and Governmental Organization

Committee report and recommendations, including support of the League of California Cities resolution. Supervisor Kondylis offered an amendment to direct staff to send a letter to the appropriate state elected officials regarding SB 976 expressing dismay over the by-passing of local officials and the future of the ferry system.

The motion to amend passed with one abstention (Chris Daley, Supervisor, City and County of San Francisco).

On a motion to divide the question, the motion to accept the report, as amended, except for the recommendation to support the League of California Cities resolution, passed unanimously.

President Cortese reported that Legal Counsel had been asked to review the constitutionality of the proposed resolution. Members discussed the application of the 300 foot separation of facilities; housing for the elderly, mentally ill, and disabled; and supporting a resolution without legislation.

On the motion to support the League of California Cities resolution, the ayes were 14 and the nays were seven, and the motion passed.

President Cortese thanked Supervisor McHugh for his report.

### **13. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

President Cortese recognized Committee Chair Mark Green, Mayor, Union City, who reported on Committee activities, including a review of the June and July financial reports, the Fiscal Year 2006-07 Diversity and Business Opportunity report, and a report on the GASB 45 symposium.

President Cortese recognized a motion by Mayor Green, and seconded by Supervisor Jacobs Gibson, to accept the Finance and Personnel Committee report. The motion passed unanimously.

President Cortese thanked Mayor Green for his report.

### **14. ADJOURNMENT**

Meeting adjourned at approximately 9:14 p.m.

  
Henry L. Gardner, Secretary-Treasurer

\*\* Indicates attachments.

\*\*\* 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).

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](mailto:FredC@abag.ca.gov).