



375 Beale Street  
Suite 700  
San Francisco, California  
94105

## Meeting Minutes - Final

### ABAG Executive Board

*President, David Rabbitt, Supervisor, County of Sonoma*  
*Vice President, Jesse Arreguin, Mayor, City of Berkeley*  
*Immediate Past President, Julie Pierce, Vice Mayor, City of Clayton*

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Thursday, November 21, 2019

7:00 PM

Board Room - 1st Floor

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#### Association of Bay Area Governments Executive Board Meeting No. 441

The ABAG Executive Board may act on any item on the agenda  
The meeting is scheduled to begin at 7:00 p.m.  
Agenda, roster, and webcast available at <https://abag.ca.gov>  
For information, contact Clerk of the Board at (415) 820-7913.

#### Location

Bay Area Metro Center, 375 Beale Street, Board Room, San Francisco, California  
Teleconference Location  
David's Restaurant, 5151 Stars And Stripes Drive, Lobby, Santa Clara, California

#### Roster

Candace Andersen, Jesse Arreguin, London Breed, Cindy Chavez, Christopher Clark, David Cortese, Lan Diep, Pat Eklund, Maya Esparza, Nikki Fortunato Bas, Richard Garbarino, Leon Garcia, Liz Gibbons, Lynette Gibson McElhaney, Scott Haggerty, Barbara Halliday, Matt Haney, Erin Hannigan, David Hudson, Wayne Lee, Jake Mackenzie, Rafael Mandelman, Gordon Mar, Nathan Miley, Karen Mitchoff, Raul Peralez, Julie Pierce, Dave Pine, David Rabbitt, John Rahaim, Belia Ramos, Dennis Rodoni, Warren Slocum, Loren Taylor, Lori Wilson.  
William Kissinger (Non-voting)

#### 1. Call to Order / Pledge of Allegiance / Roll Call / Confirm Quorum

President Rabbitt called the meeting to order at about 7:02 p.m. Because the agenda notice was not posted at the teleconference location listed in the agenda, it was not a valid teleconference location. Quorum was present.

**Present:** 24 - Arreguin, Bas, Chavez, Cheng, Cortese, Eklund, Esparza, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Romero, Rodoni, Sinks, and Wilson L  
**Absent:** 8 - Diep, Gibson McElhaney, Haney, Mackenzie, Mandelman, Miley, Pine, and Taylor

## 2. Public Comment

There was no public comment.

## 3. Executive Board Announcements

The following made Executive Board member announcements: Gibbons; Lee.

Lee requested that the Executive Board adjourn in memory of Bernard Tyson, Chair of the Bay Area Council and Chairman and CEO of Kaiser Permanente.

## 4. President's Report

### 4.a. [19-1276](#) ABAG President's Report

There was no President's Report.

## 5. Executive Director's Report

### 5.a. [19-1231](#) Executive Director's Report

Therese W. McMillan gave the Executive Director's Report.

## 6. Executive Board Consent Calendar

**Upon the motion by Eklund and second by Chavez, the Consent Calendar, except Item 6.c., Item 6.l., and Item 6.o., was approved. The motion passed unanimously by the following vote:**

**Aye:** 25 - Andersen, Arreguin, Bas, Chavez, Cheng, Eklund, Esparza, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 10 - Cortese, Diep, Gibson McElhaney, Haney, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

### 6.a. [19-1233](#) Approval of ABAG Executive Board Minutes of September 19, 2019

### 6.b. [19-1234](#) Ratification of Election of ABAG President and Vice President

### 6.c. [19-1235](#) Ratification of Appointment to ABAG Regional Planning Committee

**Upon the motion by Pierce and second by Arreguin, the Ratification of Appointment to ABAG Regional Planning Committee was approved. The motion passed unanimously by the following vote:**

**Aye:** 25 - Andersen, Arreguin, Bas, Chavez, Cheng, Eklund, Esparza, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Hudson, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 10 - Cortese, Diep, Gibson McElhaney, Haney, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

- 6.d.** [19-1237](#) Ratification of Appointment to ABAG Housing Methodology Committee
- 6.e.** [19-1240](#) Ratification of Election of Chairperson of the ABAG Housing Methodology Committee
- 6.f.** [19-1242](#) Approval of 2020 ABAG Meeting Schedule
- 6.g.** [19-1243](#) Authorization to circulate proposed amendment of the ABAG Conflict of Interest Code for public comment, to schedule a public hearing if there is a request from the public to do so, and to submit the proposed amended Conflict of Interest Code to the Fair Political Practices Commission for formal approval if no comments are received
- 6.h.** [19-1244](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) funding agreement with Pacific Gas and Electric Company in an amount not to exceed \$71.6 million through December 31, 2022
- 6.i.** [19-1245](#) Authorization to amend a Bay Area Regional Energy Network (BayREN) contract with Energy Council, on behalf of Alameda County jurisdictions, in an amount not to exceed \$625,550 for the BayREN Multifamily Program through December 31, 2019
- 6.j.** [19-1250](#) Authorization to amend contracts with five Bay Area Regional Energy Network (BayREN) third-party consultants: BluePoint Planning, LLC; CLEAResult Consulting, Inc.; Frontier Energy, Inc.; Grounded Research and Consulting, LLC; and The Regents of the University of California, for a total amount of \$15.9 million to provide services for BayREN implementation through December 31, 2021
- 6.k.** [19-1252](#) Authorization to amend contracts with nine Bay Area Regional Energy Network (BayREN) member agencies: Energy Council, on behalf of Alameda County jurisdictions; County of Contra Costa; County of Marin; County of Napa; City and County of San Francisco; County of San Mateo; County of Santa Clara; County of Solano; and Regional Climate Protection Authority, on behalf of Sonoma County jurisdictions; in an amount not to exceed \$38.7 million to provide services for BayREN implementation through December 31, 2022

- 6.i. [19-1253](#) Authorization to enter into contract with the Bay Area Council for support for the Bay Area Council Economic Institute in an amount not to exceed \$60,000 for Fiscal Year 2019-20

Members discussed receiving a report on economic research.

**Upon the motion by Haggerty and second by Mitchoff, the Authorization to enter into contract with the Bay Area Council for support for the Bay Area Council Economic Institute in an amount not to exceed \$60,000 for Fiscal Year 2019-20 was approved. The motion passed unanimously by the following vote:**

**Aye:** 24 - Andersen, Arreguin, Bas, Chavez, Cheng, Eklund, Esparza, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 11 - Cortese, Diep, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

- 6.m. [19-1255](#) Authorization to enter into an agreement with Regents of the University of California in the amount of \$54,450 for the services of a Sea Grant Fellow for the 2020-21 year between January 1, 2020 and March 31, 2021

- 6.n. [19-1256](#) Adoption of Resolution No. 14-19 Authorization to Receive Funds from the California State Coastal Conservancy in an amount up to \$500,000 for the Palo Alto Horizontal Levee Pilot Project from February 1, 2020 to February 1, 2022

- 6.o. [19-1257](#) Adoption of Resolution No. 15-19 Authorization to Enter into a Grant Agreement with the California State Coastal Conservancy in the amount of \$1,400,000 to support the San Francisco Bay Trail Project

Members discussed receiving a report on the San Francisco Bay Trail Project.

**Upon the motion by Lee and second by Eklund, the Adoption of Resolution No. 15-19 Authorization to Enter into a Grant Agreement with the California State Coastal Conservancy in the amount of \$1,400,000 to support the San Francisco Bay Trail Project was approved. The motion passed unanimously by the following vote:**

**Aye:** 24 - Andersen, Arreguin, Bas, Chavez, Cheng, Eklund, Esparza, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 11 - Cortese, Diep, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

- 6.p. [19-1259](#) Adoption of Resolution No. 16-19 Authorization to Enter into a Grant Agreement with the California State Coastal Conservancy in the amount of \$600,000 to support the San Francisco Bay Area Water Trail Project

## 7.a. Closed Session

7.a. [19-1348](#) Closed Session-CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

The ABAG Executive Board met in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding New Livable California, et al. v. Association of Bay Area Governments, et al., San Francisco Superior Court Case No. CPF-19-516690.

The Executive Board entered into Closed Session.

**7.b. Open Session**

7.b. [19-1349](#) Open Session

The Executive Board returned to Open Session.

Cynthia Segal reported that there was no reportable action from Closed Session.

**8. ABAG Administrative Committee**

8.a. [19-1262](#) Report on ABAG Administrative Committee Meetings of October 11, 2019 and November 8, 2019

President Rabbitt gave the report.

**Upon the motion by Rabbitt and second by Haggerty, the Report on Administrative Committee Meetings of October 11, 2019 and November 8, 2019 was approved. The motion passed unanimously by the following vote:**

**Aye:** 20 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Ramos, Romero, Sinks, and Wilson L

**Absent:** 15 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Rahaim, Rodoni, Slocum, and Taylor

**9. ABAG Legislation Committee**

9.a. [19-1263](#) Report on ABAG Legislation Committee Meeting of November 8, 2019

Pierce gave the report.

**Upon the motion by Pierce and second by Lee, the Report on ABAG Legislation Committee Meeting of November 8, 2019 was approved. The motion passed unanimously by the following vote:**

**Aye:** 21 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 14 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Rahaim, Slocum, and Taylor

**10. ABAG Finance Committee**

**10.a.** [19-1265](#) Report on ABAG Finance Committee Meeting of November 21, 2019

Mitchoff gave the report.

**Upon the motion by Mitchoff and second by Pierce, the Report on ABAG Finance Committee Meeting of November 21, 2019 was approved. The motion passed unanimously by the following vote:**

**Aye:** 22 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 13 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

**10.b.** [19-1266](#) Report on the Association of Bay Area Governments (ABAG) Financial Statements and Accompanying Reports for Fiscal Year 2018-19

Brian Mayhew gave the report.

**Upon the motion by Wilson and second by Gibbons, the Report on ABAG Financial Statements and Accompanying Reports for Fiscal Year 2018-19 was approved. The motion passed unanimously by the following vote:**

**Aye:** 22 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 13 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

**10.c.** [19-1260](#) Adoption of Resolution No. 17-19 Authorization to Request for Advance Allocations for Regional Early Action Planning Grants

Staff will report on a request for an advance allocation for Regional Early Action Planning Grants from the California Department of Housing and Community Development.

Matt Maloney gave the report.

**Upon the motion by Hannigan and second by Wilson, the Executive Board adopted Resolution No. 17-19. The motion passed unanimously by the following vote:**

**Aye:** 22 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Mitchoff, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 13 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Pine, Slocum, and Taylor

**10.d.** [19-1360](#) Approval of Amendment to FY 2019-20 Operating Budget

Staff will present a budget amendment to add \$23.7 million in Regional Early Action Planning Grant revenue to the FY 2019-20 operating budget.

Brian Mayhew gave the report.

**Upon the motion by Pierce and second by Gibbons, the Executive Board recommended General Assembly approval of the amendments to the Fiscal Year 2019-20 Operating Budget. The motion passed unanimously by the following vote:**

**Aye:** 21 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Haggerty, Halliday, Hannigan, Lee, Mar, Peralez, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 14 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haney, Hudson, Mackenzie, Mandelman, Miley, Mitchoff, Pine, Slocum, and Taylor

**11. ABAG Regional Planning Committee****11.a.** [19-1267](#) Report on ABAG Regional Planning Committee Meeting of October 2, 2019

Mitchoff gave the report.

**Upon the motion by Mitchoff and second by Lee, the Report on ABAG Regional Planning Committee Meeting of October 2, 2019 was approved. The motion passed unanimously by the following vote:**

**Aye:** 20 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Halliday, Hannigan, Lee, Mar, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L

**Absent:** 15 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haggerty, Haney, Hudson, Mackenzie, Mandelman, Miley, Peralez, Pine, Slocum, and Taylor

**11.b.** [19-1268](#) Plan Bay Area 2050: Growth Framework Next Steps: Proposed Priority Development Areas, Priority Conservation Areas, and Priority Production Areas

Mark Shorett gave the report.

**12. Local Government Services****12.a.** [19-1269](#) Presentation on the 2019 State of the Estuary Report

Caitlin Sweeney gave the report.

- 12.b. [19-1270](#) Presentation on BayREN Water Bill Savings Program and Authorization to enter into Master Services Agreement with Water Utilities

Jenny Berg gave the report.

**Upon the motion by Lee and second by Pierce, the Authorization to enter into Master Services Agreement with Water Utilities was approved. The motion passed unanimously by the following vote:**

- Aye:** 19 - Andersen, Arreguin, Bas, Cheng, Eklund, Garcia, Gibbons, Hannigan, Lee, Mar, Mitchoff, Pierce, Rabbitt, Rahaim, Ramos, Romero, Rodoni, Sinks, and Wilson L
- Absent:** 16 - Chavez, Cortese, Diep, Esparza, Gibson McElhaney, Haggerty, Halliday, Haney, Hudson, Mackenzie, Mandelman, Miley, Peralez, Pine, Slocum, and Taylor

### 13. Adjournment / Next Meeting

President Rabbitt adjourned the meeting at about 9:38 p.m. The meeting was adjourned in memory of Bernard Tyson, Chair of the Bay Area Council and Chairman and CEO of Kaiser Permanente. The next meeting of the ABAG Executive Board is on January 16, 2019.