

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5000

Board of Directors Special Meeting
July 30, 2012

APPROVED MINUTES

CALL TO ORDER

Chairperson John Gioia called the meeting to order at 1:35 p.m.

ROLL CALL

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors Susan Gorin, Carole Groom, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Carol L. Klatt, Liz Kniss, Katie Rice, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors John Avalos, Tom Bates, Susan Garner, Edwin M. Lee, Eric Mar, Mary Piepho, Ken Yeager and Shirlee Zane.

PLEDGE OF ALLEGIANCE

Chairperson Gioia led the Pledge of Allegiance.

OPENING COMMENTS

None.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

CONSENT CALENDAR (ITEMS 1 – 8)

- 1. Minutes of the Board of Directors Meeting of June 6, 2012;**
- 2. Board Communications Received from June 6, 2012, through July 29, 2012;**
- 3. Air District Personnel on Out-of-State Business Travel;**
- 4. Consider Authorization for Execution of a New Contract and Associated Purchase Order Not to Exceed \$127,000 Pursuant to Administrative Code Division II, Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Further Development of the Data Management System for Ambient Air Quality and Meteorological Data;**

5. **Consider Authorization for Expenditures for the Implementation of the Production System;**
6. **Consider Approving the Resolution Joining the California State Association of Counties Excess Insurance Authority;**
7. **Set a Public Hearing for September 19, 2012, to Consider Adoption of Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing, and Adoption of a California Environmental Quality Act Negative Declaration; and**
8. **Consider Authorization for Expenditures Not to Exceed \$125,000 to EcoInteractive for Nationwide Burn Status Phone Number, Complaint Customer Service Center, Data System and Woodsmoke Awareness Course.**

Board Comments: None.

Public Comments: None.

Board Action: Director Hosterman made a motion to approve Consent Calendar Items 1, 2, 3, 4, 5, 6, 7 and 8; Director Spring seconded; unanimously approved without objection.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. **Report of the Mobile Source Committee Meeting of June 28, 2012**
Report by Director Miley on behalf of Chairperson S. Haggerty

The Committee met on Thursday, June 28, 2012, and approved the minutes of May 24, 2012.

The Committee reviewed Carl Moyer Program projects with proposed grant awards over \$100,000 and recommends Board of Directors approval of three projects that will replace 13 pieces of equipment and authorization for the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for those projects.

The Committee also reviewed a request to select a Lawn Mower Replacement Contractor, which included an overview of a request for proposals process, evaluation criteria and results, and recommends the Board of Directors approve the selection of contractor RW Direct-WORX to assist in implementation of a lawn mower replacement program and authorize the Executive Officer/APCO to enter into all necessary agreements with the contractor in an amount not to exceed \$364,050.

The Committee then reviewed the Engine Model Year (MY) 2005/2006 Port Truck Replacement Program, including a report on a request for proposals process, evaluation criteria and results, and recommends the Board of Directors approve the selection of contractor Cascade Sierra Solutions to assist in the implementation of an engine MY 2005/2006 drayage truck replacement program and authorize the Executive Officer/APCO to enter into all necessary agreements with the contractor to implement the program.

Finally, the Committee considered Approval of three Transportation Funds for Clean Air (TFCA) Projects and recommends that the Board of Directors:

1. Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with:
 - Dero Bike Rack Co., Sportswork Northwest Inc. and Creative Pipe Inc., not to exceed a total of \$600,000 for a Bicycle Rack Voucher Project; and
 - Port of Oakland for a performance-based contract not to exceed \$750,000 for a Marine Highway project; and
2. Authorize the Executive Officer/APCO to expend up to \$1 million in TFCA funding to execute an Enhanced Mobile Sources Inspections project.

The next meeting of the Committee is on Thursday, September 27, 2012, at 9:30 a.m.

Board Comments: None.

Public Comments:

John Hummer, Director, U.S. Department of Transportation, Maritime Administration, addressed the Committee in support of authorizing the Executive Officer/APCO to enter into and execute all necessary contracts with the Port of Oakland for a performance-based contract not to exceed \$750,000 for a Marine Highway project.

Board Action: Director Miley made a motion to approve the report and recommendations of the Mobile Source Committee; Director Haggerty seconded; carried unanimously without opposition.

- 10. Report of the Special Joint Meeting of the Bay Area Headquarters Authority, the Executive Committee of the Board of Directors of the Bay Area Air Quality Management District, and the Administrative Committee of the Association of Bay Area Governments Meeting of July 11, 2012**
Chairperson J. Gioia

The Committee met in a Special Joint Meeting of the Bay Area Headquarters Authority, The Executive Committee of the Board of Directors of the Bay Area Air Quality Management District, and the Administrative Committee of the Association of Bay Area Governments, on Wednesday, July 11, 2012, at 390 Main Street, San Francisco, California.

The Committee received a presentation by Andrew Wolfram of Perkins + Will, regarding the 390 Main Street Conceptual Design Overview, including a summary of the pre-design process and a review of the exterior design, interior floor plans, methods being utilized to enhance interagency cooperation, the incorporation of sustainability-focused design concepts, and next steps.

The next meeting of the Committee is Monday, September 17, 2012, at 9:30 a.m.

Board Comments: None.

Public Comments: None.

Board Action: Chairperson Gioia made a motion to approve the report of the Executive Committee; Director Wagenknecht seconded; carried unanimously without opposition.

11. Report of the Public Outreach Committee Meeting of July 19, 2012

Chairperson M. Ross

The Committee met on Thursday, July 19, 2012, and approved the minutes of March 15, 2012, and May 31, 2012.

The Committee received the staff presentation Contract for Website Maintenance & Minor Upgrades, including background and review of maintenance and upgrades. The Committee recommends the Board of Directors authorize the Executive Officer/APCO to execute an eight-month contract with Cylogy, Inc., not to exceed \$87,000 for website maintenance and minor upgrades.

The Committee received an Update on the 2012 Great Race for Clean Air Kickoff, including an overview, review of the past success rate, timeline for this year's Great Race and staff suggestions for Board member involvement.

The Committee received the staff presentation Bay Area Environmental Health Collaborative (BAEHC) Activities Update, including background and reviews of the interagency walk-through of the Hunters View Redevelopment Project, Community Air Risk Evaluation Task Force Meeting Methodology Presentation, and BAEHC meetings.

The next meeting of the Committee is at the call of the Chair.

Board Comments: None.

Public Comments: None.

Board Action: Director Ross made a motion to approve the report and recommendation of the Public Outreach Committee; Director Hudson seconded; carried unanimously without opposition.

12. Report of the Personnel Committee Meeting of July 23, 2012

Chairperson B. Wagenknecht

The Committee met on Monday, July 23, 2012, and approved the minutes of March 28, 2012.

The Committee received the Advisory Council Interview summary material for the Transportation and Regional Park District categories, conducted interviews of selected applicants for each, and recommends Board of Directors approval of appointments to the Air District's Advisory Council of Caryl Hart for the Regional Park District category and Rick Marshall for the Transportation category.

The Committee reviewed, discussed and considered adjustments to the Deputy APCO Benefits based on salary reviews conducted by the Executive Officer/APCO. The Brown Act requires that benefits and salary adjustments be considered at a Regular Meeting of the Board of Directors, so the Committee's recommendation will be considered on Wednesday, September 19, 2012, at a Regular Meeting of the Board of Directors.

The next meeting of the Committee is at the call of the Chair.

Board Comments:

Director Hudson said that both of the applicants recommended for appointment to the Advisory Council are good choices by the Personnel Committee, noted that one qualified applicant for the Transportation category failed to appear at the interview and recommended the Board consider appointing to the Advisory Council a general manager in the field of transportation as an additional member beyond the 20 regularly seated members he characterized as the minimum required. Jack Broadbent, Executive Officer/APCO, commended the suggestion and said staff believes the applicant alluded to, Rick Ramacier, is a viable candidate for a future vacancy in the Transportation category.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to approve the report and recommendation of the Personnel Committee; Director Ross seconded; carried unanimously without opposition.

PRESENTATION

13. 390 Main Street Conceptual Design Plans Presentation

Mr. Broadbent made introductory comments and introduced Mr. Wolfram, who gave the presentation 390 Main Design Overview, including a summary of the pre-design process and a review of the exterior design, interior floor plans, methods being utilized to enhance interagency cooperation, the incorporation of sustainability-focused design concepts, and next steps.

Mr. Broadbent introduced Andrew Fremier, Deputy Executive Director, Operations, Metropolitan Transportation Commission (MTC), who addressed the Board regarding the collaborative design process.

Mr. Broadbent informed the Board of staff's intention to provide status reports approximately once per quarter.

Board Comments:

Director Wagenknecht asked how large the multi-use room will be. Mr. Wolfram responded approximately 2,500 square feet, similar in size to the existing room at the current MTC building. Director Wagenknecht confirmed there will not be a large dais, commended the idea of a wide variety of meeting rooms, shared his recollection of the open classrooms that were implemented in the 1970s and done away with not long after and expressed his concern that a similar dynamic is at play in this plan, and expressed his support of the garden space on the roof. Mr. Wolfram responded that not all of the meeting rooms will be open and collaborative areas are generally not located next to work areas as the designers are sensitive to the concern raised.

Director Haggerty asked if there is a plan to address the existing structural concerns. Mr. Wolfram responded in the affirmative and said the plan is to do a seismic upgrade to life safety standards. Director Haggerty asked what the highest level earthquake the life safety standard includes. Mr. Wolfram said it is set to the maximum credible earthquake, above 8.0 in this instance, which could leave the building potentially unusable but provide the occupants safe exit.

Director Haggerty noted that the presentation seemed to vary from that made to the Executive Committee at the Special Joint Meeting on July 11, 2012, in that it excludes some design options that were characterized as under consideration at the outset but no longer within the budget. Mr. Wolfram responded that no changes were made to the presentation material, only his accompanying narrative. Director Haggerty repeated himself. Mr. Fremier interjected that the items in question are considered enhancements that will improve the way the building operates but do not affect the basic scope and function. Director Haggerty asked if there were any changes or if everything that was initially planned is included still. Mr. Fremier repeated himself.

NOTED PRESENT: Director Kniss was noted present at 2:13 p.m.

Director Haggerty said that an expansion of the atrium to ground level was discussed, noted the absence of a cafeteria for employees, and suggested that a dedicated cafeteria be included and subsidized in some form in order to keep food costs down for staff. Mr. Fremier said that a retail space on the ground floor would be a nice amenity for staff and the neighborhood and that plans for a small kitchen or kitchens, such as those required to service a coffee shop, are currently included. Director Haggerty urged management to ensure the cafeteria is at least the same size as that currently housed in the MTC building, as staff will more than double in number, and speculated that there would be increased efficiency of staff by having cafeteria accommodations within the building.

Director Spering asked if management met with members of the governing boards of each agency regarding the design and functionality of the board room. Mr. Fremier said no but there has been interagency work. Director Spering strongly recommended that they meet with the elected officials that will actually sit at the dais and work in that environment and asked if there will be an adjacent room for conducting closed sessions. Mr. Fremier responded yes. Director Spering suggested the building be entitled the Bay Area Regional Headquarters in future presentations for the sake of clarity.

Director Ross noted mention of a California Environmental Quality Act (CEQA) exemption and asked if the agencies are not requiring of their project that which is required of others. Mr. Wolfram responded that an environmental impact report for the Rincon Hill District, within which this building is located, was done in the past and it speculated the building would have a government use and provided the exemption in turn. Jean Roggenkamp, Deputy APCO, said District staff consulted with MTC staff and their consultants on this topic. Mr. Fremier clarified there is not a CEQA exemption but instead that the building is being declared categorically exempt from CEQA because of the nature of the reuse. Director Ross asked if the same steps were followed as would be required of a private company. Mr. Fremier responded absolutely and perhaps more. Mr. Broadbent added that District staff worked with MTC staff to identify ways to follow individual standards that are expected of others in the CEQA process.

Director Hudson asked if the Beale Street entrance will serve as the main entrance for the board room and for confirmation that there are two additional entrances on Rincon. Mr. Wolfram responded that Beale Street will be the main entrance to the building and a mid-block passage is being created on

what is being called Rincon Place. Director Hudson shared his concern regarding ease of access for those who arrive late. Mr. Broadbent and Mr. Fremier said the address may change to Beale Street as a result of the relocating of the main entrance.

Director Kniss asked if the building is fully occupied. Mr. Wolfram responded no, that it is vacant at this time. Director Kniss asked if it will be fully occupied when the move is complete. Mr. Wolfram responded no as there is additional space for other agencies or tenants. Mr. Fremier responded that the additional space, created for the long-term growth of the agencies, will be brokered to tenants after construction.

Director Kniss asked if parking is difficult or, rather, if there is parking provided for everyone. Mr. Fremier said parking will not be provided for everyone, that there will be approximately 100 spaces available for agency fleets, board members, tenants, and possibly to others for a fee, and the agencies are working closely on the matter. Mr. Broadbent said parking is an ongoing issue and District staff is insisting of MTC that there exist 75 spaces for the District, which will include parking for Board members and the agency fleet, whether those spaces will be in the building or at a nearby lot. Director Kniss said the downtown location will likely increase the cost of parking. Mr. Fremier agreed it is an expensive area to park, said the number of spaces is limited by the neighborhood, and reported the project is building to that maximum. Director Kniss said that no matter what accommodations are made there will not be sufficient parking and people will have to put some thought into alternative methods of travel. Mr. Fremier agreed and noted the ease of access to transit and the provision of transit subsidies to employees of both MTC and the District. Director Kniss commended the transit support policies, noted the Board members do not seem to take advantage so parking is necessary, and said she does not want to hear public complaints about inaccessibility when planning could prevent them. Mr. Broadbent said he would provide the Board with progress reports.

Public Comments: None.

Board Action: None; informational only.

CLOSED SESSION

The Board of Directors adjourned to Closed Session at 2:28 p.m.

14. RESPONSE TO CONFIDENTIAL FINAL DRAFT AUDIT REPORT FROM THE BUREAU OF STATE AUDITS (Government Code Section 54956.75)

Pursuant to Government Code Section 54956.75, a need existed for the Board to meet in closed session to discuss a response, if any, to a confidential final draft audit report from the Bureau of State Audits.

15. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), a need existed to for the Board to meet in closed session with legal counsel to consider the following case:

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693

OPEN SESSION

The Board of Directors resumed Open Session at 2:41 p.m. with no reportable action.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

BOARD MEMBERS' COMMENTS

Director Hudson asked about the reporting requirements for the Air & Waste Management Association (AWMA) annual conference. Mr. Broadbent responded that the Board was notified of staff's out-of-state business travel under agenda item 3 on the consent calendar but typically the Board members are expected to report out. Brian Bunker, District Counsel, noted that this is the first public meeting held since the travel so if members would care to provide a brief, as required by AB1234, it would be timely. Chairperson Gioia and Directors Ross and Hudson reported on their experiences attending the AWMA annual conference.

OTHER BUSINESS

16. Report of the Executive Officer/APCO:

Mr. Broadbent announced that Ana Sandoval, Air Quality Program Manager in the Communications & Outreach Division, will serve as Acting Manager, Executive Operations, while Jennifer Cooper is on maternity leave. Mr. Broadbent reported the region is in the middle of its summer ozone season and that the Air District has called four Spare the Air Alerts, three of which exceeded the national eight-hour standard, and that August and September are generally a time of year when alerts and exceedences are not uncommon.

17. Chairperson's Report: None.

18. Time and Place of Next Meeting: Wednesday, September 19, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

19. Adjournment: The Board of Directors meeting adjourned at 2:46 p.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards