

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5073

Board of Directors Special Meeting  
Monday, September 9, 2013

## **APPROVED MINUTES**

**CALL TO ORDER:** Chairperson Kalra called the meeting to order at 10:11 a.m.

**OPENING COMMENTS:** None.

### **ROLL CALL**

Present: Chairperson Ash Kalra; Secretary Carole Groom; and Directors John Avalos, Teresa Barrett, Tom Bates, David Hudson, Carol Klatt, Eric Mar, Jan Pepper, Mary Piepho, Mark Ross, Brad Wagenknecht and Shirlee Zane.

Absent: Vice-Chairperson Nate Miley; and Directors Susan Adams, John Gioia, Scott Haggerty, Liz Kniss, Edwin Lee, Tim Sbranti, Jim Spering and Ken Yeager.

**PLEDGE OF ALLEGIANCE:** Chairperson Kalra led the Pledge of Allegiance.

**PUBLIC COMMENT ON NON-AGENDA MATTERS:** None.

### **PROCLAMATIONS/AWARDS**

Chairperson Kalra, on behalf of the Board of Directors, recognized Barbara Coler, Air Quality Program Manager of Compliance & Enforcement, who is retiring after completing four years of dedicated service with the Air District. Ms. Coler addressed the Board in appreciation. Director Ross also recognized Ms. Coler for her service. Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), recognized Ms. Coler for her service on behalf of staff.

### **CONSENT CALENDAR (ITEMS 1 – 5)**

- 1. Minutes of the Board of Directors Regular Meeting of August 7, 2013;**
- 2. Board Communications Received from August 7, 2013, through September 6, 2013;**
- 3. Air District Personnel on Out-of-State Business Travel;**
- 4. Notice of Violations Issued and Settlements in Excess of \$10,000 in July 2013; and**
- 5. Set a Public Hearing for October 16, 2013, to Consider Adoption of Proposed Amendments to Regulation 9, Rule 10: Nitrogen Oxides (NOx) and Carbon Monoxide (CO) from Boilers, Steam Generators and Process Heaters in Petroleum Refineries and Approval of a California Environmental Quality Act (CEQA) Negative Declaration.**

Public Comments:

Guy Bjerke, Manager, Bay Area Region and State Safety Issues, Western States Petroleum Association, addressed the Board neutrally regarding agenda item 5, Set a Public Hearing for October 16, 2013, to Consider Adoption of Proposed Amendments to Regulation 9, Rule 10: NOx and CO from Boilers, Steam Generators and Process Heaters in Petroleum Refineries and Approval of a CEQA Negative Declaration, and to express concerns about adoption of the proposed amendments.

Board Comments:

Director Pepper said, regarding agenda item 1, Minutes of the Board of Directors Regular Meeting of August 7, 2013, to amend page 6, third paragraph, to insert “energy” before “field...”

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5, including the amendment to the Minutes as stated by Director Pepper; Director Ross seconded; and the motion carried unanimously.

**PRESENTATION**

**6. Update on the Regional Bicycle Share Pilot Project**

Jean Roggenkamp, Deputy APCO, introduced Karen Schkolnick, Acting Director of Strategic Incentives, who gave the staff presentation Bay Area Bike Share Regional Pilot Project, including an overview of the pilot goals, objectives and pricing, a summary of the launch, media coverage and initial statistics, and next steps.

Board Comments:

Chairperson Kalra expressed his optimism for the future of the program and commended the efforts of all those involved.

Director Bates asked about how one becomes a member, for details regarding the mechanics of lending, about the need for future sponsorship, about how best to prepare for system expansion, namely to the East Bay and the University of California, Berkeley, and about the likelihood of the Air District’s continued involvement as the primary operator after the conclusion of the pilot phase, which questions were answered by Mss. Schkolnick and Roggenkamp and Mr. Broadbent.

Director Zane requested system expansion to Sonoma County, noted the history of bicycle advocacy in Sonoma County and asked staff to develop use metrics relative to the project, including estimates relative to greenhouse gas emissions avoided through the use of the bicycles.

Director Piepho requested system expansion to the Interstate 680 commuter corridor and the installation of docking stations at the San Francisco Civic Center Bay Area Rapid Transit station and Air District office. Director Piepho urged for an awareness of private enterprise and a continued effort to avoid negative economic impact of services offered by local businesses.

Director Hudson asked if participation in the bike share project qualifies as satisfying the requirements of the commuter benefits program being developed and if there is an additional pricing step between 3-days use and annual membership, which questions were answered by Ms. Schkolnick.

Director Pepper congratulated staff on the launch and asked for an explanation of the envisioned use of the system, which question was answered by Mss. Schkolnick and Roggenkamp.

Director Avalos expressed excitement about the launch and asked whether commuter benefits cards can be used for payment of use fees or memberships, which question was answered by Ms. Schkolnick.

Director Ross commended the program and asked whether helmets are required by law, what a user can do if they are unable to find an empty dock for the return of a bicycle at their intended destination and whether the Air District will consider pant leg straps as promotional items, which questions were answered by Ms. Schkolnick.

Director Wagenknecht asked for the delivery of updates to the Mobile Source Committee as the pilot progresses.

Public Comments: None.

Board Action: None; informational only.

### **CLOSED SESSION**

The Board adjourned to Closed Session at 10:57 a.m.

#### **7. EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), the Board met in closed session to discuss with legal counsel the following cases:

**California Building Industry Association v. Bay Area AQMD**, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335.

#### **8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

Pursuant to Government Code Section 54956.8, the Board met in closed session to confer with real property negotiators to discuss the disposition and leaseback of real property as follows:

Property: 939 Ellis Street, San Francisco, CA

Air District Negotiators: Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO)  
Jeffrey McKay, Deputy APCO  
Tom Christian, Cassidy Turley  
Ric Russell, Cassidy Turley

Negotiating Parties: Heights Properties, LLP

Under Negotiation: Price and Terms

**OPEN SESSION**

The Board resumed Open Session at 11:48 a.m. with Brian Bunger, District Counsel, reporting out on Board actions as follows:

Agenda item 7, Existing Litigation: no reportable action.

Agenda item 8, Conference with Real Property Negotiator: The Board authorized the Executive Officer to execute a Purchase and Sale Agreement and form of Lease Back with Heights Properties, LLP, for 939 Ellis Street which will place the transaction in a due diligence and contingency period and if the buyer finds it is ultimately satisfied following that phase the transaction will be final and the terms will be made available at that time.

**PUBLIC COMMENT ON NON-AGENDA MATTERS:** None.

**BOARD MEMBERS' COMMENTS:**

Director Hudson reported on his experience at the AWMA Annual Conference.

Director Zane asked staff to provide updates on the expansion of the wood chip pilot program and the provision of funding for technical support of agriculturalists, as initially requested by the Board on June 19, 2013. Chairperson Kalra echoed the request. Mr. Broadbent said the update would be delivered to the Stationary Source Committee or Board.

Director Piepho asked that the component of the above Board request regarding consideration of fire district concerns be included in the update.

**OTHER BUSINESS**

**9. Report of the Executive Officer/APCO:**

Mr. Broadbent presented a summary of the Summer Ozone Season, and a briefing on the Rim Fire and introduced Stephanie Osaze, Finance Manager of Administrative Services.

**10. Chairperson's Report:**

Chairperson Kalra announced the cancellation of the Board of Directors Regular Meetings on September 18 and October 2, 2013.

- 11. Time and Place of Next Meeting:** Wednesday, October 16, 2013, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.
- 12. Adjournment:** The Board meeting adjourned at 11:54 a.m.

Sean Gallagher  
Clerk of the Boards