



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
January 07, 2014
6:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

*Please Note:
Regardless of whether there is a Closed Session scheduled, the open session will begin
at 7:00 PM*

I. CALL TO ORDER (6:00 PM):

II. CLOSED SESSION (6:00 PM):

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)
Title: City Manager**
- B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision
(d) of Section 54956.9: (1 case regarding the Bus Hub Project and related
CEQA analysis based on the 12/17/13 letter from John Gardner)**

III. CONVENE OPEN SESSION (7:00 PM):

- A. ROLL CALL.**
- B. PLEDGE OF ALLEGIANCE.**
- C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts and Culture Commission

2 full terms

Application Due Date: January 24, 2014

Benicia Housing Authority Board of Commissioners

2 full terms (tenants)

Application Due Date: January 24, 2014

Civil Service Commission

4 full terms

Application Due Date: January 24, 2014

Community Sustainability Commission

2 full terms

Application Due Date: January 24, 2014

Economic Development Board

1 full term

Application Due Date: January 24, 2014

Historic Preservation Review Commission

1 unexpired term

1 full term

Application Due Date: January 24, 2014

Open Government

3 full terms

Application Due Date: January 24, 2014

Parks, Recreation and Cemetery Commission

1 full term

Application Due Date: January 24, 2014

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update

Update from City Attorney

B. PROCLAMATIONS.

C. APPOINTMENTS.

D. PRESENTATIONS.

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:15 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2013 CITY COUNCIL MEETING. (City Clerk)

B. AWARD OF CONSTRUCTION CONTRACT FOR THE CITY CEMETERY DRAINAGE PROJECT. (Parks and Community Services Director)

On October 29, 2013 construction plans and specifications were made available for public bidding. On November 18, 2013 the bidding period closed and the City received and opened nine (9) bids (see bid results). The contractor, Team Ghilotti, Inc., was low bid.

Recommendation: Adopt the resolution accepting the bid for the City Cemetery Drainage Project, awarding the construction contract to Team Ghilotti of Petaluma, California, in the amount of \$47,116, and authorizing the City Manager to sign the contract on behalf of the City.

C. SAN FRANCISCO BAY AREA WATER TRAIL RESOLUTION OF SUPPORT. (Parks and Community Services Director)

The Water Trail is a voluntary, planned network of access sites around the San Francisco Bay for non-motorized small boats and boards (such as kayaks, sailboards, stand up paddleboards, etc.) to safely enjoy the Bay through single and multiple-day trips. The State Coastal Conservancy (SCC) and Association of Bay Area Governments (ABAG) are leading this effort throughout the nine county Bay Area, in partnership with the Bay Conservation and Development Commission (BCDC) and California State Parks Division of Boating and Waterways (DBW). The Water Trail Program is in the early stages of development, and is requesting Resolutions of Support from local governments with Bay shoreline. The attached resolution would express the City of Benicia's support for the growing Water Trail network, but would not commit the City to designating any Water Trail sites at this time.

Recommendation: Adopt a resolution endorsing the San Francisco Bay Area Water Trail concept.

D. APPROVE AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT. (City Manager)

The proposed amendment to the City Manager employment agreement maintains the terms and conditions of the existing agreement, except for amending the terms of the housing allowance to reflect the level originally approved by the Council on November 2, 2010.

Recommendation: Approve, by motion, the proposed amendment to City Manager employment agreement.

E. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. BUSINESS ITEMS (7:30 PM):

A. BENICIA INDUSTRIAL PARK PRIORITY DEVELOPMENT AREA PLANNING GRANT. (Public Works Director)

A safe, efficient, and well-maintained transportation system that meets the current and future needs of the businesses is a key component of a vibrant

industrial park. As the only Employment Center Priority Development Area in Solano County, the Benicia Industrial Park is uniquely qualified to compete for much-needed grant funding for this transportation infrastructure. The first step in realizing these funding opportunities is to develop a plan for the industrial park that identifies immediate needs while providing a vision for build out. When completed, the plan will serve as an advocacy document for grant funding at the regional/state/national level and a marketing tool to retain and attract businesses. The City was recently awarded a \$250K grant to fully fund the completion of this plan and staff has developed a draft Agreement in cooperation with the Solano Transportation Authority for its implementation. This item was introduced on December 3 and staff is currently meeting with Benicia Industrial Park stakeholders. An update on these discussions and any proposed modifications to the Agreement will be provided at tonight's Council meeting.

Recommendation: Adopt a resolution approving an Agreement with the Solano Transportation Authority to develop a Transportation Plan for the Benicia Industrial Park Employment Center Priority Development Area including a \$250,000 planning grant and authorizing the City Manager to execute the Agreement on behalf of the City, subject to minor revisions by the City Attorney.

B. UPDATE ON BUSINESS RESOURCE INCENTIVE PROGRAM (BRIP) AND APPROVAL TO MODIFY FUNDING PARAMETERS. (Economic Development Manager)

Staff will provide an update on the BRIP program and request a modification to the funding parameters, transferring \$50,000 from the implementation component to the assessment component. This proposed modification was reviewed and unanimously approved by the Economic Development Board and Community Sustainability Commission in a joint meeting held on December 11, 2013.

Recommendation: Receive program update and approve, by motion, the proposed modification to program funding parameters.

IX. ADJOURNMENT (9:00 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized

items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that

are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
December 17, 2013

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:15 p.m.

II. CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1 Commandant's Lane

**Negotiating Parties: City Attorney, City Manager & Economic
Development Manager**

**Under Negotiation: Instruction to negotiator on both payment and
lease terms**

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:03 p.m.

A. ROLL CALL

Council Member Schwartzman was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

John Gardner led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Mayor Patterson stated there were instructions given the negotiator on both payment and lease terms.

2. Openings on Boards and Commissions:

Arts and Culture Commission

2 full terms

Application Due Date: January 24, 2014

Benicia Housing Authority Board of Commissioners

2 full terms (tenants)

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Open Government

3 full terms

Application Due Date: January 24, 2014

Parks, Recreation, and Cemetery Commission

1 full term

Application Due Date: January 24, 2014

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Status quo. Nothing new to report.

B. PROCLAMATIONS

C. APPOINTMENTS

- 1. Summary of Appointment Process**
- 2. Appointment of Jim Leland to the Arts and Culture Commission for a four year term ending July 31, 2017.**

RESOLUTION 13-108 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JIM LELAND TO THE ARTS AND CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-108, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes
Noes: (None)

- 3. Appointment of Anavi Subramanyam Community Sustainability Commission (Student Commissioner) for a one year term ending July 31, 2014.**

RESOLUTION 13-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANAVI SUBRAMANYAM TO THE COMMUNITY SUSTAINABILITY COMMISSION (STUDENT COMMISSIONER) FOR A ONE YEAR TERM ENDING JULY 31, 2014

On motion of Mayor Patterson Council adopted Resolution 13-109, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes
Noes: (None)

- 4. Appointment of Crystal Luna-Yarnell to the Human Services Board for a four year term ending July 31, 2017.**

RESOLUTION 13-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF CRYSTAL LUNA-YARNELL TO THE HUMAN SERVICES BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-110, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

5. Reappointment of James Wallace to the Open Government Commission for a four year term ending July 31, 2017.

RESOLUTION 13-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JAMES WALLACE TO THE OPEN GOVERNMENT COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017

On motion of Mayor Patterson Council adopted Resolution 13-111, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes
Noes: (None)

6. Board and Commission Applications

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

Brad Kilger, City Manager, stated there were no changes to the agenda; however Staff would be asking Council to continue Item VIII.A (Bus Hub Project) to 1/21/14.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Three item submitted (copies on file).

B. PUBLIC COMMENT

1. Constance Beutel - Ms. Beutel thanked Council and Staff for helping to make Benicia a wonderful place to live.

VII. CONSENT CALENDAR:

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

- A. APPROVAL OF THE MINUTES OF THE DECEMBER 3, 2013 CITY COUNCIL MEETING**
- B. APPROVAL OF LEASE EXTENSION WITH BAY AREA SHIP SERVICES FOR FIFTH STREET PIER**
- C. ACCEPTANCE OF THE RENEWABLE ENERGY AND CONSERVATION PROJECT (SOLAR PROJECT)**

RESOLUTION 13-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH CHEVRON ENERGY SOLUTIONS FOR THE RENEWABLE ENERGY AND CONSERVATION PROJECT, AN APPROPRIATION UP TO \$88,010 FROM THE ENERGY FUND AND ACCEPTING THE RENEWABLE ENERGY AND CONSERVATION PROJECT AT \$12,504,290, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

- D. APPROVAL OF AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION**

RESOLUTION 13-113 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION

- E. UPDATE OF RESOLUTION LISTING UNREPRESENTED CITY POSITIONS**

RESOLUTION 13-114 - A RESOLUTION UPDATING THE CITY OF BENICIA'S LIST OF UNREPRESENTED POSITIONS

- F. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

VIII. BUSINESS ITEMS:

- A. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: \$175K REGIONAL MEASURE 2 GRANT REQUEST, AWARD OF CONSULTANT CONTRACT TO MARK THOMAS AND COMPANY FOR FINAL DESIGN CONTINGENT UPON AWARD OF SAID FUNDING, AND APPROVAL OF AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500K IN STATE TRANSIT ASSISTANCE FUNDING TO THE PROJECT. (Public Works Director) - Continued from December 3, 2013 meeting.**

Heather McLaughlin, City Attorney, discussed the letter received from John Gardner, counsel for the Barragan family. In light of the requests made by Mr. Gardner, staff recommended continuing this item to the January 21, 2014 City Council meeting.

Brad Kilger, City Manager, discussed the request to continue the item. He had spoken with STA, who in turn spoke with MTC. If the City does not approve the project by January 21st, the MTC will have to put the project back on their agenda and reallocate the funds to another project. He acknowledged the City's error in properly noticing the property owners of the environmental determination. He apologized to the Barragan family for any confusion or concern this may have caused them. He believed the continuance would give all parties involved sufficient time to review the project and for all issues to be examined.

Mayor Patterson discussed continuing the item. She explained the process of continuing a public hearing item, and advised the public about their public comment rights. She and Staff discussed the process for recirculating CEQA documents.

Vice Mayor Campbell discussed the issue of presenting substantial information prior to a council meeting and the City's Open Government Ordinance.

Council Member Hughes was not pleased that the property owners were not properly notified, but was pleased that Council had five more weeks to work something out with the property owners.

Council Member Strawbridge discussed the issue of forming a subcommittee to work on the issues. She suggested Council Member Hughes represent Council on that subcommittee.

Mayor Patterson discussed the benefits of continuing the item. She was pleased the City and property owners had more time to work something out.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the motion to continue this item to the January 21, 2014 meeting, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes
Noes: (None)

B. CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224

RESOLUTION 13-115 - A RESOLUTION APPROVING CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY WAIT PERIOD UNDER GOVERNMENT CODE SECTIONS 7522.56 & 21224

Anne Cardwell, Acting Assistant City Manager, reviewed the staff report.

Public Comment:

None

C. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: December 18, 2013**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge)Next Meeting Date: January 24, 2013**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
5. **School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: TBD**
6. **Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: January 16, 2014**

8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: January 8, 2014
9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Hughes) Next Meeting Date: January 9, 2014
10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: January 16, 2014
11. Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: TBD
12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD
13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: January 22, 2014
14. ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson)Next Meeting Date: TBD
15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: December 19, 2013

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:39 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 7, 2014
CONSENT CALENDAR

DATE : December 12, 2013

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR THE CITY CEMETERY DRAINAGE PROJECT**

RECOMMENDATION:

Adopt the resolution accepting the bid for the City Cemetery Drainage Project, awarding the construction contract to Team Ghilotti of Petaluma, California, in the amount of \$47,116, and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

On October 29, 2013 construction plans and specifications were made available for public bidding. On November 18, 2013 the bidding period closed and the City received and opened nine (9) bids (see bid results). The contractor, Team Ghilotti, Inc., was low bid.

BUDGET INFORMATION:

The total budget required for the City Cemetery drainage project is \$54,216. This total consists of a base bid of \$39,985, alternate bid (if necessary) of \$7,131. This total also includes a 15% construction contingency of \$7,100, if needed. Currently, the unencumbered appropriation balance in Account No. 032-9532-9608 totals \$37,266. Therefore, approval of this project requires an additional appropriation in the amount of \$16,950 in Account No. 032-9532-9608. This appropriation will be funded through utilizing existing fund reserves available in the Cemetery Restoration Fund.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy 4: Provide adequate funding for ongoing infrastructure needs

- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 4: Preserve City-owned historic structures

BACKGROUND:

The City Cemetery was established in 1847 and has approximately 5,000 people interred in its 40 acres. The City took over the maintenance of the cemetery in the mid-seventies and continues to run all cemetery operations today.

In December of 2012, heavy rain storms caused 300 lineal feet of erosion on the southwest hillside of the City Cemetery. There was no damage to the gravesites located in the affected area. In an effort to temporarily control the erosion during the winter months, staff installed erosion control measures to try and help minimize any further damage to the area.

In an effort to provide a permanent solution, staff hired local civil engineering firm Cullen-Sherry & Associates. Upon receiving drawings, specifications, and engineers estimate from Cullen-Sherry & Associates, staff bid the project.

On October 29, 2013 construction plans and specification were made available for public bidding. On November 18, 2013 the bidding period closed and the City received and opened nine (9) bids. The contractor, Team Ghilotti, Inc., was low bid. They are well received in the area for their work and have successfully completed similar projects.

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Base BID	Bid Alternate	Total
1	<i>Team Ghilotti, Inc.</i>	\$39,985	\$7,131	\$47,116
2	<i>Pfister Excavating, Inc.</i>	\$47,072	\$7,580	\$54,652
3	<i>Maloney Construction</i>	\$54,657	\$6,272	\$60,929
4	<i>G.D. Nelson Construction Co. Inc.</i>	\$60,729	\$13,964	\$74,693
5	<i>Hess Construction Co. Inc.</i>	\$62,920	\$14,834	\$77,754
6	<i>J.A. Gonsalves & Sons</i>	\$66,070	\$11,457	\$77,527
7	<i>W.R. Forde Associates</i>	\$77,748	\$13,970	\$91,718
8	<i>MDF Pipeline</i>	\$77,942	\$9,440	\$87,382
9	<i>Atlas Peak Construction</i>	\$77,950	\$8,498	\$86,448

If City Council awards the construction contract, construction should begin by the end of January 2014 and will be completed within 30 days, weather permitting.

Attachment:

- Proposed Resolution

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE AND PLACEMENT OF A NEW DRAINAGE SYSTEM AT THE BENICIA CITY CEMETERY IN THE AMOUNT OF \$54,216 ALLOCATED FROM THE CEMETERY RESTORATION FUND AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia Cemetery Drainage Project was advertised for construction bids and nine (9) sealed bids were received and opened on November 18, 2013; and

WHEREAS, the bid from Team Ghilotti was received in compliance with the City's purchasing ordinance and the total bid amount, including the alternate bid, equals \$47,116; and

WHEREAS, the amount to be appropriated for this project totals \$54,216 including a 15% contingency; and

WHEREAS, the fund balance is \$37,266 and requires an additional appropriation of \$16,950 from the Cemetery Restoration Fund Reserves, Account No. 032-9532-9608; and

WHEREAS, unreserved fund balance exists in the Cemetery Restoration Fund and is available to fund the additional appropriation of \$16,950.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the purchase and placement of a new drainage system at the Benicia City Cemetery for \$54,216.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia approves an additional appropriation of \$16,950 from the Cemetery Restoration Fund Reserves.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia accepts the bid from Team Ghilotti in the amount of \$47,116 and authorizes the City Manager to sign the construction contract on behalf of the City.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 7th day of January, 2014 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Dated: _____

AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 7, 2014
CONSENT CALENDAR

DATE : December 13, 2013

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **SAN FRANCISCO BAY AREA WATER TRAIL RESOLUTION OF SUPPORT**

RECOMMENDATION:

Adopt a resolution endorsing the San Francisco Bay Area Water Trail concept.

EXECUTIVE SUMMARY:

The Water Trail is a voluntary, planned network of access sites around the San Francisco Bay for non-motorized small boats and boards (such as kayaks, sailboards, stand up paddleboards, etc.) to safely enjoy the Bay through single and multiple-day trips. The State Coastal Conservancy (SCC) and Association of Bay Area Governments (ABAG) are leading this effort throughout the nine county Bay Area, in partnership with the Bay Conservation and Development Commission (BCDC) and California State Parks Division of Boating and Waterways (DBW). The Water Trail Program is in the early stages of development, and is requesting Resolutions of Support from local governments with Bay shoreline. The attached resolution would express the City of Benicia's support for the growing Water Trail network, but would not commit the City to designating any Water Trail sites at this time.

BUDGET INFORMATION:

There is no budget impact.

GENERAL PLAN:

Relevant General Plan Goals and Policies:

- **GOAL 2.30: Maintain and improve existing parks and recreation programs.**
 - POLICY 2.30.1: Enhance existing city recreation facilities and programs.
 - Program 2.30.A: Develop programs that promote higher and better use of Benicia's recreation facilities and programs.
- **GOAL 2.32: Expand the City's park system to accommodate future community needs.**

- POLICY 2.32.2: Continue to develop and enhance recreational benefits of the shoreline and seek public access along the waterfront.
- **Goal 3.13: Improve urban design qualities of the waterfront and public access to the shoreline**
 - POLICY 3.13.3: Take advantage of water orientation for recreation and industrial uses.
 - Program 3.13.B: Develop a plan for public and pedestrian access to and along the waterfront and shoreline.

PARKS, TRAILS AND OPEN SPACE MASTER PLAN:

Relevant Master Plan Goal and Objective:

- **Goal 2: Provide a range of trail opportunities with a variety of settings in a comprehensive, City-wide trail network.**
 - Objective 2.2: Seek continuous public access along the waterfront.

BACKGROUND:

The Water Trail program strives to create a network of launch and landing sites, or “trailheads,” to enable people in human-powered boats and beachable sail craft to enjoy the historic, scenic, cultural, and environmental richness of San Francisco Bay through multiple-day and single-day trips on the Bay.

Designed to benefit trail users, site owners, and the Bay environment alike, the Water Trail program will provide a website, maps, and brochures with information about facilities at designated trailheads, safe and environmentally sound boating practices, and Bay wildlife and habitat. There is also a limited amount of grant funding for improvements to designated trailheads.

The Water Trail is expected to provide the following benefits or address the following needs:

- Create a coordinated set of Non-Motorized Small Boat (NMSB) access locations allowing for single point, multiple point, and multi-day excursions;
- Improve existing boat launch facilities and develop more overnight facilities along the shoreline for NMSB users;
- Promote placement of enhanced facilities and any new access locations in areas where they would provide the greatest recreational benefit and avoid or minimize significant adverse impacts to wildlife and habitat and/or agricultural operations;
- Plan for increased NMSB use associated with regional population growth and changes in population demographics;
- Promote safe boating practices for non-motorized small boat users;
- Reduce wildlife and habitat impacts through boater education;

- Distribute and make available high quality information regarding NMSB access facilities through the development of educational and outreach materials, including a website, maps, brochures, and a guidebook;
- Foster stewardship of the Bay and of trailhead facilities;
- Streamline planning and implementation of high priority site enhancements through the programmatic Water Trail Final Environmental Impact Report (FEIR) developed under the California Environmental Quality Act (CEQA);
- Expand the connections with other regional trail systems (Bay Trail, Ridge Trail) to include the waters of the Bay;
- Reduce user conflicts among recreational users of launch sites through planning and facility design;
- Develop design guidelines for NMSB facilities that address the shoreline topography of San Francisco Bay and serve NMSB users with physical disabilities; and
- Provide funding, publicity, and, indirectly, possible economic growth to site owners/managers through a variety of business opportunities related to water-oriented recreation (e.g., boat storage, rental concessions, nearby restaurants and hotels).

The Water Trail program has identified four existing Benicia launch sites that are strong candidates for formal designation as Water Trail sites: the existing boat launch at the Benicia Marina, the beach and promenade area at the foot of First Street, Alvarez Ninth Street Park, and Matthew Turner Park. City staff are currently assessing the merits and feasibility of designating and improving a Water Trail site in the Urban Waterfront Enhancement and Master Plan project area, at the foot of First Street. Additional potential Water Trail sites have been identified within the Carquinez Strait in Martinez, Crockett, and Vallejo. Throughout the larger Bay system, 112 potential sites have been identified, and four sites have been formally designated thus far. Other publicly accessible waterfront launch sites on either public or private party can be designated as Water Trail sites, with the consent of the property owner and the approval of a Project Management Team comprised of staff from the four partner agencies (ABAG, SCC, BCDC, and DBW). At its December 11 meeting, the Parks, Recreation & Cemetery Commission unanimously endorsed the Water Trail concept and recommended that City Council approve a resolution of support for the Water Trail concept.

Attachments:

- Resolution in Support of The San Francisco Bay Area Water Trail
- San Francisco Bay Area Water Trail Program Maps

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA IN SUPPORT OF THE SAN FRANCISCO BAY AREA WATER TRAIL

WHEREAS, the California State Legislature enacted the Water Trail Act (AB 1296) in 2005 establishing the San Francisco Bay Area Water Trail, a growing network of launching and landing sites that allows non-motorized small boat users to better enjoy the historic, scenic, cultural, and environmental richness of San Francisco Bay; and

WHEREAS, the Water Trail is implemented under the leadership of the State Coastal Conservancy, working in close collaboration with the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, and the California State Parks Division of Boating and Waterways; and

WHEREAS, the Water Trail benefits the region by improving and increasing recreational access for non-motorized small boat use by persons of all abilities; and

WHEREAS, the Water Trail fosters stewardship of the Bay and reduces impacts to sensitive wildlife and habitat through education of boaters; and

WHEREAS, the Water Trail provides economic benefits to waterfront and water-oriented businesses by promoting opportunities for single and multi-day excursions on the Bay; and

WHEREAS, the City of Benicia is home to 10 miles of Bay shoreline along the Carquinez Strait; and

WHEREAS, the City of Benicia manages four parks along the waterfront; and

WHEREAS, the City of Benicia manages a Waterfront Trail and several small street-end parks that are on the San Francisco Bay Trail and Bay Area Ridge Trail alignment; and

WHEREAS, several downtown Benicia businesses derive their business directly or indirectly from waterfront access and are likely to benefit from the increased tourism and recreation activities stimulated by the development of the Bay Area Water Trail; and

WHEREAS, the City of Benicia recognizes the benefits of non-motorized small boat recreation on the Bay and wants to encourage this activity as part of a regional trail network.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby officially endorses the concept of the San Francisco Bay Area Water Trail.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 7th day of January, 2014 and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Elizabeth Patterson, Mayor

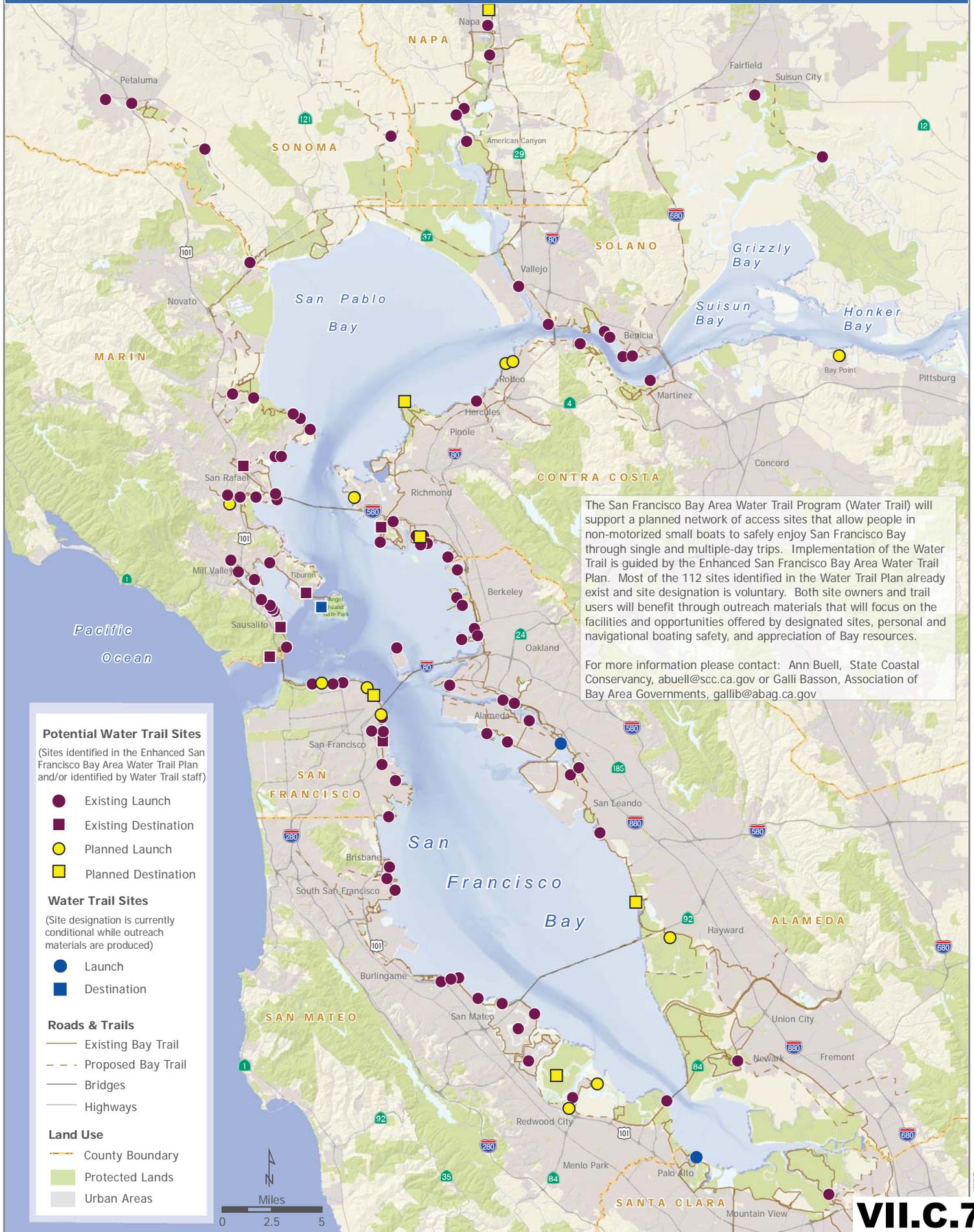
Attest:

Lisa Wolfe, City Clerk

Dated: _____

San Francisco Bay Area Water Trail

A network of access sites for non-motorized small boats around San Francisco Bay



The San Francisco Bay Area Water Trail Program (Water Trail) will support a planned network of access sites that allow people in non-motorized small boats to safely enjoy San Francisco Bay through single and multiple-day trips. Implementation of the Water Trail is guided by the Enhanced San Francisco Bay Area Water Trail Plan. Most of the 112 sites identified in the Water Trail Plan already exist and site designation is voluntary. Both site owners and trail users will benefit through outreach materials that will focus on the facilities and opportunities offered by designated sites, personal and navigational boating safety, and appreciation of Bay resources.

For more information please contact: Ann Buell, State Coastal Conservancy, abuell@scc.ca.gov or Galli Basson, Association of Bay Area Governments, gallib@abag.ca.gov

Potential Water Trail Sites

(Sites identified in the Enhanced San Francisco Bay Area Water Trail Plan and/or identified by Water Trail staff)

- Existing Launch
- Existing Destination
- Planned Launch
- Planned Destination

Water Trail Sites

(Site designation is currently conditional while outreach materials are produced)

- Launch
- Destination

Roads & Trails

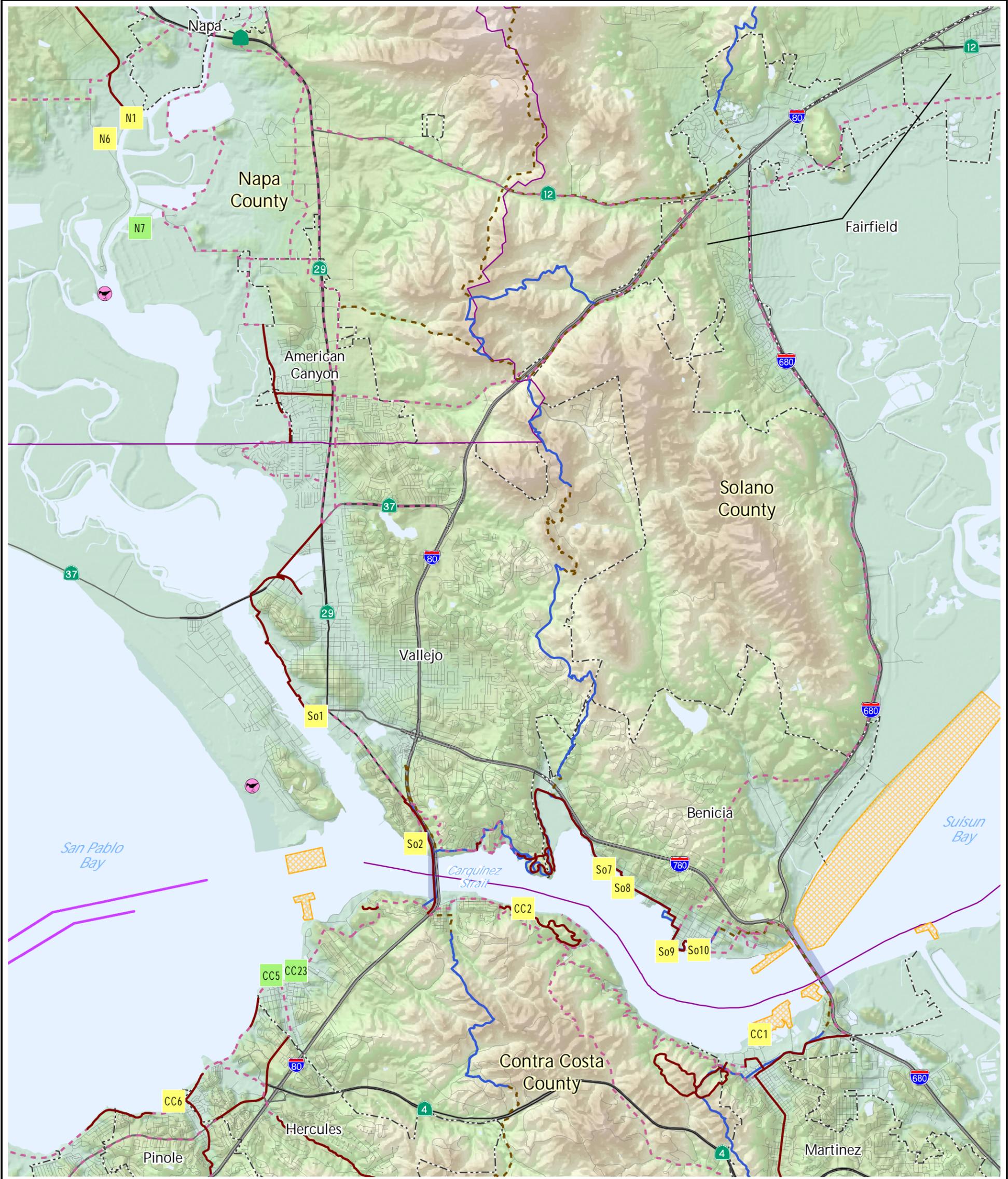
- Existing Bay Trail
- - - Proposed Bay Trail
- Bridges
- Highways

Land Use

- County Boundary
- Protected Lands
- Urban Areas

Access Points for Human-Powered Boats and Beachable Sail Craft on San Francisco Bay

Figure 8.1.b. Carquinez Strait



Backbone Sites

- A1 Existing Launch Site
- A1 Existing Destination Site
- A1 Planned Launch Site
- A1 Planned Destination Site

Bay Trail

- Existing
- Proposed

VII.C.8

- Proposed

Protected Species

- 🐻 Harbor Seal Haul Out
- 🐦 Black Rail
- 🐦 Brown Pelicans
- 🐦 CA Clapper Rail
- 🐦 CA Least Tern, Western Snowy Plover
- 🐦 Pelagic Cormorants

Transportation

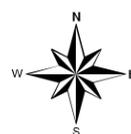
- Interstate Highways
- Primary US and State Highways
- Secondary State and County Highways
- Local Roads
- Ferry Route
- Bridges
- Shipping Lane

Security Exclusion Zones (USCG)

- 📏 Security Exclusion Zones (USCG)
- 📏 Sensitive Wildlife Areas with Limited or No Boating Access

County Boundaries

- 📏 County Boundaries
- 📏 City Limits
- 📏 Water Bodies



0 0.5 1 1.5 2 Miles

Map Printed July 2007

This map is for informational and reference purposes only. BCDC attempts to provide current and accurate information but cannot guarantee so. This map is provided "as is" without any warranty of any kind, either expressed or implied, including, but not limited to, accuracy, reliability, omissions, completeness and currentness.



AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 7, 2014
CONSENT CALENDAR

DATE : December 24, 2013

TO : City Council

FROM : City Manager

SUBJECT : **APPROVE AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

RECOMMENDATION:

Approve, by motion, the proposed amendment to City Manager employment agreement.

EXECUTIVE SUMMARY:

The proposed amendment to the City Manager employment agreement maintains the terms and conditions of the existing agreement, except for amending the terms of the housing allowance to reflect the level originally approved by the Council on November 2, 2010.

BUDGET INFORMATION:

There is no impact on the FY 13-14 Budget. There is a minimal cost impact to FY 14-15.

STRATEGIC PLAN:

The City's Strategic Plan Mission is to provide excellent service and its Vision is to work together to build a sustainable community and enhance the City's Quality of Life. Approval of this item will support these objectives by encouraging the retention of professional staff with the requisite skill, knowledge and experience required to fulfill the City's Mission and Vision.

BACKGROUND:

On November 2, 2010, an Employment Agreement was entered into between the City and Brad L. Kilger for the services of employee as the Benicia City Manager. On July 1, 2011 the Employment Agreement was amended to reduce the City Manager's total compensation approximately 7% in recognition of the City's on-going budget issues. The proposed amendment maintains the existing salary level for the City Manager, at the reduced level, and all other existing terms and conditions, with the exception of amending the employee's housing allowance to its original 2010 level.

Attachment:

- Proposed Second Amendment to Employment

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

This Second Amendment to Employment Agreement ("Second Amendment") is entered into this ___ day of _____, 2014, by and between the City of Benicia ("Employer") and Brad L Kilger, City Manager ("Employee").

RECITALS

A. On November 2, 2010, an Employment Agreement ("Agreement") was entered into between Employer and Employee for the services of Employee as the Benicia City Manager.

B. On June 7, 2011, an Amendment to the Agreement was entered into between Employer and Employee making certain changes to the Agreement.

C. As it is the desire of both the Employer and Employee that Employee is able to continue to remain in the employment of the City of Benicia as City Manager, it is mutually agreed to make further modifications to the Agreement, as more specifically set forth in this Second Amendment.

TERMS AND CONDITIONS

Employer and Employee mutually agree as follows:

Section IX, Paragraph 12 of the Agreement is amended to read as follows:

12. Housing Expenses

EMPLOYER recognizes that due to the current recession's impact on housing values, EMPLOYEE is unable to sell his current residence for an indeterminate period of time. EMPLOYER further recognizes that the cost of housing in Benicia and the surrounding region is substantially higher than the average cost of housing in other communities within the State. It is the desire of both the EMPLOYER and the EMPLOYEE that the EMPLOYEE resides in the City of Benicia. Therefore EMPLOYER agrees to pay EMPLOYEE an annual housing allowance in the amount of \$2,000 per month for up to six years from the original date of employment or until EMPLOYEE sells his residence in the Central Valley or unless EMPLOYEE is terminated pursuant to Section VI, whichever event (six years, sale or termination) comes first. Said payments shall begin on his first day of work. EMPLOYEE shall repay EMPLOYER in an amount and in a manner agreed to by both parties.

///

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be executed as of the day and year first above written.

CITY OF BENICIA, EMPLOYER:

EMPLOYEE:

Elizabeth Patterson, Mayor
City of Benicia

Brad L. Kilger

ATTEST:

Approved as to Form:

Lisa Wolfe, City Clerk

City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 7, 2014
BUSINESS ITEMS

DATE : December 16, 2013

TO : City Manager

FROM : Public Works Director

SUBJECT : **BENICIA INDUSTRIAL PARK PRIORITY DEVELOPMENT AREA PLANNING GRANT**

RECOMMENDATION:

Adopt a resolution approving an Agreement with the Solano Transportation Authority to develop a Transportation Plan for the Benicia Industrial Park Employment Center Priority Development Area including a \$250,000 planning grant and authorizing the City Manager to execute the Agreement on behalf of the City, subject to minor revisions by the City Attorney.

EXECUTIVE SUMMARY:

A safe, efficient, and well-maintained transportation system that meets the current and future needs of the businesses is a key component of a vibrant industrial park. As the only Employment Center Priority Development Area in Solano County, the Benicia Industrial Park is uniquely qualified to compete for much-needed grant funding for this transportation infrastructure. The first step in realizing these funding opportunities is to develop a plan for the industrial park that identifies immediate needs while providing a vision for build out. When completed, the plan will serve as an advocacy document for grant funding at the regional/state/national level and a marketing tool to retain and attract businesses. The City was recently awarded a \$250K grant to fully fund the completion of this plan and staff has developed a draft Agreement in cooperation with the Solano Transportation Authority for its implementation.

This item was introduced on December 3 and staff is currently meeting with Benicia Industrial Park stakeholders. An update on these discussions and any proposed modifications to the Agreement will be provided at tonight's Council meeting.

BUDGET INFORMATION:

The \$250,000 planning grant will fully fund the development of the plan. The local match amount of \$32,390 will be satisfied with the staff time that will be expended on the project.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

- Overarching Goal of the General Plan: Sustainability
 - Goal 2.17: Provide an efficient, reliable, and convenient transit system
 - Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit
 - Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #4: Protect air quality/pursue mass transit opportunities
- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #1: Develop Economic Development Strategy/BIP Marketing program
 - Strategy #2: Strengthen BIP competitiveness/approve and implement road resurfacing projects
 - Strategy #3: Retain and attract businesses
 - Strategy #5: Increase Economic Vitality of BIP/pursue grant for transit oriented development and Intermodal Station planning
- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #2: Increase use of mass transit

ENVIRONMENTAL REVIEW:

The \$250,000 planning grant for the plan is federally funded. City staff will complete the necessary studies required by the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) and if necessary bring them to Council for review and adoption.

BACKGROUND:

Plan Bay Area was adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Government (ABAG) in July 18, 2013 and covers the nine-county San Francisco Bay Area including Solano County. The purpose of the plan is to integrate transportation and land use to reduce greenhouse gas emissions from cars and light duty trucks in accordance with state mandates (i.e. Senate Bill 375).

The OneBay Area Grant program is the funding arm of the OneBay Area (also known as Plan Bay Area) and incentivizes achieving the goals of the plan

through the award of competitive, federally-funded grants to Priority Development Areas (PDA) that best achieve the plan objectives. One of the key criteria used in evaluating grants is the level of transportation services provided to the PDA, particularly public transit.

At this time the Benicia Industrial Park Bus Hub Project, which is located at the corner of Park Road and Industrial Way, is under design and if completed will consist of a 1.0 acres facility with 50 stalls, "kiss & ride," bus pull-outs, shelters, landscaping, and other transit related facilities. The facility will be served by Fairfield-Suisun Transit (FAST) and potentially SolTrans in the future.

A much larger intermodal station is also planned in the north area of the Benicia Industrial Park, and will likely be situated on the 527 acre undeveloped Seeno parcel, and could include parking, bus service, and a shuttle to a future train stop.

Both of these projects would satisfy the intent of the OneBay Area Grant goals and objectives, making the Benicia Industrial Park Employment Center PDA competitive for future grant funding. The STA, as the county's congestion management agency, implements the Plan Bay Area Grant program on behalf of MTC.

The City was recently awarded a \$250,000 Plan Bay Area Grant to develop a plan for the Benicia Industrial Park Employment Center Priority Development Area. Staff from the City and STA have worked together to create a draft agreement to implement the grant, including a scope of work. At the City's request, STA will manage the onerous grant requirements, including reporting requirements and selection process for the consultant, which will free City staff up to guide the planning process and ensure it captures the needs of the industrial park.

Since this item was introduced at the December 3, 2013 City Council meeting, staff has met with the Benicia Industrial Park stakeholders and will provide an update on the discussion and any proposed modifications to the agreement at tonight's meeting.

Attachments:

- ❑ Proposed Resolution
- ❑ Draft Agreement including:
 - Scope of Work
 - MTC Resolution
 - MTC Planning Guidelines
- ❑ Priority Development Area Map

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT WITH THE SOLANO TRANSPORTATION AUTHORITY (STA) TO DEVELOP A TRANSPORTATION PLAN FOR THE BENICIA INDUSTRIAL PARK EMPLOYMENT CENTER PRIORITY DEVELOPMENT AREA INCLUDING A \$250,000 PLANNING GRANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO MINOR REVISIONS BY THE CITY ATTORNEY

WHEREAS, a safe, efficient, and well-maintained transportation system is a key component of a vibrant industrial park; and

WHEREAS, as the only Employment Center Priority Development Area in Solano County, the Benicia Industrial Park is uniquely qualified to compete for much-needed grant funding for this transportation infrastructure; and

WHEREAS, the City has been awarded a \$250,000 OneBay Area Grant to develop a transportation plan for the Industrial Park that will identify immediate needs while providing a vision for build-out; and

WHEREAS, said plan will serve as an advocacy document for grant funding at the regional/state/federal level and marketing tool to retain and attract businesses; and

WHEREAS, the City and STA staff have collaborated on an Agreement to develop said plan using the \$250,000 grant funding.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves an agreement with the STA to develop a Transportation Plan for the Benicia Industrial Park Employment Center Priority Development Area including a \$250,000 planning grant, and authorizes the City Manager to execute the agreement on behalf of the City subject to minor revisions by the City Attorney.

On motion of _____, seconded by _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 7th day of January, 2014, and adopted by the following vote:

Ayes:

Noes:

Absent:

Attest:

Elizabeth Patterson, Mayor

Lisa Wolfe, City Clerk

Dated:

(DRAFT) AGREEMENT
Between The
SOLANO TRANSPORTATION AUTHORITY
And
CITY OF BENICIA
FOR PRIORITY DEVELOPMENT AREA PLANNING GRANT

This Agreement ("Agreement") is entered into as of _____ between the Solano Transportation Authority, a joint powers authority organized under Government Code section 6500 et seq. consisting of the County of Solano and the cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo ("STA"), and the City of Benicia, a municipal corporation ("City"), each individually referred to as a party ("Party") and collectively as the parties (the "Parties").

RECITALS

WHEREAS, STA was created in 1990 through a Joint Powers Agreement between the County of Solano and the cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville, Vallejo to serve as the Congestion Management Agency (CMA) for Solano County; and

WHEREAS, STA, as the CMA for the Solano County area, partners with various transportation and planning agencies, such as the Metropolitan Transportation Commission (MTC); and

WHEREAS, STA is responsible for countywide transportation planning, programming transportation funds, managing and providing transportation programs and services, delivering transportation projects, and setting transportation priorities; and

WHEREAS, STA receives federal Surface Transportation Program ("STP") funds from MTC, and can use these funds to perform or support planning functions related to transportation; and

WHEREAS, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have approved the One Bay Area Sustainable Communities Strategy in response to AB 32 and SB 375 which called for cities to identify Priority Development Area (PDA) as places growth located near existing or future transportation centers; and

WHEREAS, in 2011, the City submitted an application to have the Benicia Industrial Park designated as a PDA, which the ABAG Executive Board approved; and

WHEREAS, the Parties desire to work collaboratively to prepare a PDA Plan in accordance with MTC Guidelines; and

WHEREAS, STA has allocated \$250,000 of STP funds for the development of a PDA plan for City; and

WHEREAS, STA and the City desire to enter into this Agreement to define the respective roles and responsibilities of the Parties to facilitate the preparation of the PDA Plan.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth in this Agreement, STA and City agree as follows:

A. City's Role and Responsibilities.

The City's Role in the Project will be to provide necessary approvals to allow STA to complete the Project. City agrees to:

1. Be responsible for conducting all public outreach with the assistance of the consultant in developing and presenting alternatives, including any hearings before City public bodies. City shall ensure that all public outreach requirements associated with the federal fund source and associated with MTC Resolution 4035, included as Exhibit B, are met.
2. Perform all appropriate environmental review, and ensure that required procedures are complied with for analysis, public notice, hearings, findings and filings.
3. Adopt the Plan no later than February 2016.
4. Designate one person as lead staff to work with STA and Consultant. This City lead staff person shall be authorized to coordinate with other City staff members provide necessary data, staff time and/or other resources to assist Consultant in preparation of Plan Documents..

B. STA's Role and Responsibilities.

The STA's Role in the Project will be to take all steps necessary to implement Project on behalf of City. STA agrees to:

1. Program, obligate and seek reimbursement for the grant funds.
2. Prepare and issue a Request for Proposals (RFP) for a consultant to assist City and other Cities in developing and adoption plans for Priority Development Areas (PDAs). STA shall, with assistance of City and other Cities, review RFP responses. STA will be solely responsible for the final selection of the best qualified Consultant.
3. Contract with a consultant for services in accordance with the draft scope of work attached as Exhibit A.
4. Ensure that the selected consultants' work product address all issues identified in MTC Resolution 4035 and the PDA Planning Program Cycle Five Program Guidelines, provided in the attached Exhibits B and C. This shall include analysis of parking policies appropriate for transit-oriented development and potential displacement of low income households in the plan area that could result from implementation of Plan elements

5. Form a Project Development Team (PDT) consisting of STA Planning and Projects staff, City lead staff, the selected consultant, and other City staff as deemed necessary. PDT shall meet on a regular basis to provide guidance on development of the Plan.
6. Provide a monthly report on the selected consultant's work for the past month and programmed tasks for the next month.

C. Mutually Agreed Upon Deliverables

1. STA will ensure that the selected consultant provides the deliverables specified in Exhibit A to City in a timely manner.
2. STA shall deliver an Administrative Draft Plan, after completion of Tasks 4 through 6 as described in the Scope of Work, to City no later than June 30, 2015.
3. STA shall deliver a Public Draft Plan to City no later than October 1, 2015
4. City shall deliver to STA a record of the City Council's public hearing(s) and approval of the Final Plan no later than April 1, 2016.

D. Term

This term of this Agreement shall be from the date of execution through June 30, 2016, unless it is terminated or amended pursuant to Sections E and O of this Agreement.

E. Termination:

This Agreement may be terminated due to Project funding shortfalls or other unforeseen event(s), as mutually agreed to by the Parties. In the event of loss of funding, the Parties agree to work collaboratively to redirect the Project funds to other City planning projects eligible for such funding.

F. Estimated Project Funding

1. The amount of funds allocated for completion of the Plan is \$250,000. STA shall retain \$12,500 (5% of the allocated funds) for administrative expenses, and shall expend the remaining \$237,500 on consultant services. CITY shall expend staff time or provide funds to STA equivalent to \$32,390 as a local match. Neither STA nor City is obliged to provide funds in excess of those specified above.
2. Should a proposed change to the consultant contract lead to the overall costs exceeding the original contract budget, the STA will notify the City 30 days in advance to determine if the revised scope should be approved and the City and/or STA to provide the additional funds for the increase.

G. Mutual Indemnification:

1. STA to indemnify City

STA agrees to indemnify, defend, protect, hold harmless, and release City, its elected bodies, agents, officers, employees and subcontractors (collectively referred to in this paragraph as 'City'), from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any negligent act or omission or willful misconduct of STA. This

indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts.

At its sole discretion, City may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve STA of any obligation imposed by this Section. City shall notify STA within thirty (30) days of any claim, action or proceeding and cooperate fully in the defense. Notwithstanding the foregoing, City's failure to notify STA within said thirty (30) day time limit shall not relieve STA of any obligation imposed by this Section unless STA has been actually prejudiced by such delay.

2. City to indemnify STA

City agrees to indemnify, defend, protect, hold harmless, and release the STA, its elected bodies, agents, officers, employees and subcontractors (collectively referred to in this paragraph as 'STA') from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any negligent act or omission or willful misconduct of City. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts.

At its sole discretion, STA may participate at its own expense in the defense of any such claim, action or proceeding, but such participation shall not relieve City of any obligation imposed by this Section. STA shall notify City within thirty (30) days of any claim, action or proceeding and cooperate fully in the defense. Notwithstanding the foregoing, STA's failure to notify City within said thirty (30) day time limit shall not relieve City of any obligation imposed by this Section unless City has been actually prejudiced by such delay.

3. Each Party to defend itself for concurrent claims

Each Party agrees to defend itself from any claim, action or proceeding arising out of the negligent act or omission or willful misconduct of its own elected bodies, agents, officers, employees and subcontractors in the performance of this Agreement. In such cases, STA and City agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in subparagraph 5 below.

4. Joint Defense

Notwithstanding subparagraph 3 above, in cases where STA and City agree in writing to a joint defense, STA and City may appoint joint defense counsel to defend the claim, action or proceeding arising out of the negligent act or omission or willful misconduct of City and STA in the performance of this Agreement. Joint defense counsel shall be selected by mutual agreement of STA and City. STA and City agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in subparagraph 5 below. STA and City further agree that neither Party may bind the other to a settlement agreement without the written consent of both STA and City.

5. Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the Parties, STA and City shall reimburse and/or reallocate defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

H. Insurance

1. Each Party agrees to maintain its status as a legally self-insured public entity for general, auto and professional liability with limits of no less than \$1,000,000 per occurrence. Excess liability coverage may be provided. Each Party's self-insurance will be considered primary for all claims arising out of acts of that Party. Each Party agrees to endorse the other Party, its officials, employees and agents, with coverage equivalent to standard ISO endorsement No. CG2010 for general liability coverage. Each Party also agrees to require all consultant, contractors and subcontractors engaged to work on this Project to name the other Party as an additional insured as well.
2. Each Party will maintain Workers' Compensation as required by law for all its employees with limits not less than \$1,000,000 per occurrence. Neither Party's insurance shall be called upon to satisfy any claim for workers' compensation filed by an employee of the other Party. Each Party will provide the other with a Waiver of Subrogation endorsement for Workers Compensation. Each Party also agrees to require all consultants, contractors and subcontractors engaged to work on this Project to carry the same Workers Compensation insurance limits and endorsements.
3. Each Party will require all consultants, contractors, and subcontractors engaged to work on this Project to carry insurance in levels commensurate with the exposure of the respective work provided by the consultant, contractor or subcontractor.

I. Dispute Resolution

The Parties agree that any disputes should be resolved at the lowest possible level. Accordingly, should a dispute arise between the STA and City regarding the performance of this Agreement, the Parties agree that the STA Executive Director and City Manager shall initially meet and confer. Should these two fail to reach consensus within two weeks, the dispute shall be referred first to a STA Board Subcommittee comprised of the Mayor of Benicia along with the Solano County Supervisor. Should that Subcommittee fail to resolve the dispute within 2 further weeks, the issue will be presented to the full STA Board for resolution. If either party contests the decision of the STA Board, the parties agree to submit the dispute to arbitration and exchange with the other, in accordance with a procedure to be established by the arbitrator, its best offer. The arbitrator shall be limited to awarding only one or the other of the two positions submitted.

J. Notice

All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that a Party desires to give to the other Party shall be addressed to the other Party at the addresses set forth below. A Party may change its address by notifying the other Party of the change of address. Any notice sent by mail in the manner prescribed by this Paragraph shall be deemed to have been

received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

TO STA:
Daryl K. Halls, Executive Director
Solano Transportation Authority
One Harbor Center, Suite 130
Suisun City, CA 94585
Attn: Robert Macaulay, Director of Planning

TO CITY:
Brad Kilger, City Manager
250 East L Street
Benicia, CA 94510
Attn: Mike Roberts

K. No Waiver

The waiver by any Party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

L. Assignability

Neither Party to this Agreement shall assign or transfer any interest in this Agreement nor the performance of any duties or obligations hereunder, without the prior written consent of the other Party, and any attempt by either Party to so assign or transfer this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

M. Governing Law and Venue

The construction and interpretation of this Agreement and the rights and duties of the Parties shall be governed by the laws of the State of California with venue residing in Solano County.

N. Force Majeure

Neither the STA nor City shall be liable or deemed to be in default for any delay or failure in performance under this Agreement or for any interruption of services, directly or indirectly, from acts of god, civil or military authority, acts of public enemy, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of the STA or City.

O. Prior Agreements and Amendments

This Agreement represent the entire agreement of the Parties with respect to the subject matter described in this Agreement, and no representation, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth in this Agreement. This Agreement may only be modified by a written amendment duly executed by the Parties.

P. Severability

If any provision or portion of this Agreement is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

Q. Access to Records and Retention

All Parties, acting through their duly authorized representative, as well as any federal or state grantor agency providing all or part of the funding associated with this Agreement, the State Controller, the Comptroller General of the United States, and the duly authorized representatives of any of the Parties, shall have access to any books, documents, papers and records of any Party which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, the Parties shall maintain all required records for three years after final payment for any work associated with this Agreement, or after all pending matters are closed, whichever is later.

R. Compliance with all Laws

The Parties shall observe and comply with all applicable federal, state and local laws, ordinances, and codes.

S. Non-Discrimination Clause

1. During the performance of this Agreement, the Parties and their subcontractors shall not deny any benefits or privileges to any person on the basis of race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation. Each Party shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.
2. The Parties shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated pursuant to it (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time.

T. Interpretation

Each Party has reviewed this Agreement and any question of doubtful interpretation shall not be resolved by any rule or interpretation providing for interpretation against the drafting Party. This Agreement shall be construed as if both Parties drafted it. The captions and headings contained herein are for convenience only and shall not affect the meaning or interpretation of this Agreement.

(SIGNATURES ARE ON THE FOLLOWING PAGE)

The Parties have executed this Agreement on the day and year first written above.

"STA"
Solano Transportation Authority

"CITY"
City of Benicia

By _____
Daryl K. Halls, STA Executive Director

By _____
Brad Kilger, City Manager

Approved as to form:

Approved as to form:

By _____
STA Legal Counsel

By _____
City Attorney

Exhibit A Scope of Work

I. BACKGROUND

The PDA is in Benicia's 3,000-acre industrial park which is home to over 600 businesses that provide more than 7,000 in-County jobs and generates approximately \$13.4M in annual tax revenue for the City. Land use in the Benicia Industrial Park is regulated by the City of Benicia General Plan, adopted in 1999, and the City of Benicia Zoning Ordinance. There is not a Specific Plan or other master plan for land use or infrastructure for the Benicia Industrial Park.

The Benicia Industrial Park is bisected by I-680, generally south of Lake Herman Road and east of East 2nd Street. The industrial park is strategically located at the confluence of the Carquinez Strait, Interstate Highway System, and is served by a freight rail that also carries Capitol Corridor Passenger trains. Because of the nature of the businesses in the Industrial Park, including a large petroleum refinery, there are no residences in or in close proximity to the Industrial Park. The Industrial Park is within the SolTrans local bus service area is also served by FAST intercity express bus service. Most roadways do not currently meet the definition of Complete Streets. The industrial park straddles I-680, just north of the I-780 and Benicia-Martinez Bridge split, includes a private deep water port, and is served by Union Pacific Railroad mainline and spurs. A bus transit hub is scheduled to be constructed within the industrial park in the summer of 2014, a regional intermodal facility is planned in conjunction with a 500-acre parcel to be developed in the future, and the City is desirous of obtaining a Capitol Corridor train stop in the future. The City streets within the park and the Caltrans ramps and interchanges are perceived to be inadequate, are in a deteriorating condition, and lack reliable revenue sources for proper maintenance and infrastructure improvements.

Since the Benicia General Plan was adopted ABAG and MTC have approved the One Bay Area Sustainable Communities Strategy in response to AB 32 and SB 375. The One Bay Area Plan called for cities to identify Priority Development Area (PDA) as places growth located near existing or future transportation centers. In 2011 Benicia submitted an application to have the Benicia Industrial Park designated as a PDA, which the ABAG Executive Board approved.

The City of Benicia desires to create a more complete business and transportation environment in the Benicia Industrial Park to help retain existing businesses while providing a detailed plan for build-out that will attract tenants and grant funding, reduce fuel consumption and air emissions and assist the City in fulfilling its commitment to provide Complete Streets. These improvements include factoring in redevelopment and revitalization of existing buildings that can increase the number of employees and trucks, and attract tenants and grant funding. To that end, it seeks to update the controlling public documents to trips to, from and within the Park, and Vehicle Miles Traveled, by:

1. Allowing businesses that meet the needs of employees within the Park, such as food and personal services.
2. Identify and plan for appropriate transit services and complete streets.

II. SCOPE OF WORK

Consultant shall complete the following tasks:

1. Update all land use and existing circulation inventories and maps for the plan area. This includes current traffic counts, levels of service, capacity deficiencies for all modes on City streets and Caltrans ramps and interchanges, and maintenance needs based upon information in the City's pavement management system.
2. Identify policies and programs necessary to define and allow for employee-serving businesses that can reduce the need for Industrial Park employees to travel by automobile for access.
3. Assist CITY in performing outreach to all identified stakeholders, with focused effort on the Benicia Industrial Park businesses and property owners, and including transit agencies to identify issues and priorities.
4. Model future land uses and traffic growth forecasts, propose access and internal circulation alternatives to meet the current needs of the industrial park and at build-out including wayfinding and alternative fuel station/charging station signs, themed gateways and landscaping.
5. Conduct a public charrette to identify preferred alternatives, incorporate into draft plan present findings to City Council for review and comments.
6. Review existing written and recorded documents, obtain oral history and prepare a detailed plan for the future intermodal station including siting, size, capacity, and amenities. Consultant shall also review and summarize existing written and recorded documents, obtain oral history related to the CITY-desired Capitol Corridor Train Stop. If the update of the Solano Rail Facilities Plan is adopted prior to release of the draft Plan, Consultant shall incorporate its recommendations into the draft Plan.
7. Work with City and STA to prioritize identified improvements to ensure strategic growth, develop cost estimates, and propose funding options including fee structures.
8. Complete the draft Benicia Industrial Park Transportation Plan, including future intermodal station, alternative fuel infrastructure, prioritized improvements to ensure strategic growth, and funding plan. Assist CITY in presenting the plan to Benicia City Council for review and approval.
9. Complete the final plan.

III. DELIVERABLES

- Administrative draft inventories for Task 1.
- Draft summary of issues and priorities for Task 3.
- Model findings and alternatives for Task 4.
- Administrative draft plan for Task 5.

- Administrative draft plan for intermodal facility and Capitol Corridor train stop for Task 6.
- Draft prioritized improvements, cost estimates, and funding options for Task 7.
- Public draft plan for Task 8.
- Final Plan for Task 9.

All deliverables shall be provided in a format to be agreed upon by STA, City and Consultant.

Exhibit B

Date: May 17, 2012
W.I.: 1512
Referred by: Planning
Revised: 10/24/12-C 11/28/12-C
12/19/12-C 01/23/13-C
02/27/13-C 05/22/13-C

ABSTRACT

Resolution No. 4035, Revised

This resolution adopts the Project Selection Policies and Programming for federal Surface Transportation Authorization Act following the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA), and any extensions of SAFETEA in the interim. The Project Selection Policies contain the project categories that are to be funded with various fund sources including federal surface transportation act funding available to MTC for its programming discretion to be included in the federal Transportation Improvement Program (TIP).

The resolution includes the following attachments:

- Attachment A – Project Selection Policies
- Attachment B-1 – Regional Program Project List
- Attachment B-2 – OneBayArea Grant (OBAG) Project List

Attachment A (page 13) was revised on October 24, 2012 to update the PDA Investment & Growth Strategy (Appendix A-6) and to update county OBAG fund distributions using the most current RHNA data (Appendix A-1 and Appendix A-4). The Commission also directed \$20 million of the \$40 million in the regional PDA Implementation program to eight CMAs and the San Francisco Planning Department for local PDA planning implementation. Attachment B-1 and B-2 were revised to add new projects selected by the Solano Transportation Authority and Santa Clara Valley Transportation Authority and to add projects under the Freeway Performance Initiative and to reflect the redirection of the \$20 million in PDA planning implementation funds.

Attachment A (pages 8, 9 and 13) was revised on November 28, 2012 to confirm and clarify the actions on October 24, 2012 with respect to the County PDA Planning Program.

Attachment A (page 12) was revised on December 19, 2012 to provide an extension for the Complete Streets policy requirement. Attachments B-1 and B-2 were revised to add new projects selected by the Solano Transportation Authority, Sonoma County Transportation Authority and Santa Clara Valley Transportation Authority; add funding for CMA Planning

activities; and to shift funding between two San Francisco Municipal Transportation Agency projects under the Transit Performance Initiatives Program.

Attachments B-1 and B-2 were revised on January 23, 2013 to add new projects selected by various Congestion Management Agencies and to add new projects selected by the Commission in the Transit Rehabilitation Program.

As referred by the Programming and Allocations Committee, Attachment B-1 and Appendix A-2 were revised on February 27, 2013 to add Regional Safe Routes to School programs for Alameda and San Mateo counties, and to reflect previous Commission actions pertaining to the Transit Capital Rehabilitation Program, and to reflect earlier Commission approvals of fund augmentations to the county congestion management agencies for regional planning activities. As referred by the Planning Committee, Attachments A and B-1 were revised to reflect Commission approval of the regional Priority Development Area (PDA) Planning and Implementation program and Priority Conservation Area (PCA) program.

As referred by the Programming and Allocations Committee, Attachments B-1 and B-2 and Appendix A-2 to Attachment A were revised on May 22, 2013 to shift funding between components of the Freeway Performance Initiative Program with no change in total funding; and split the FSP/Incident Management project into the Incident Management Program and FSP/Callbox Program with no change in total funding; and redirect funding from ACE fare collection equipment to ACE positive train control; and add new OBAG projects selected by the Contra Costa Transportation Authority, Napa County Transportation and Planning Agency, City/County Association of Governments of San Mateo (CCAG), and the Solano Transportation Authority, including OBAG augmentation for CCAG Planning activities.

Further discussion of the Project Selection Criteria and Programming Policies is contained in the memorandum to the Joint Planning Committee dated May 11, 2012; to the Programming and Allocations Committee dated October 10, 2012; to the Commission dated November 28, 2012; to the Programming and Allocations Committee dated December 12, 2012 and January 9, 2013; to the Joint Planning Committee dated February 8, 2013; and to the Programming and Allocations Committee dated February 13, 2013 and May 8, 2013.

Date: May 17, 2012
W.I.: 1512
Referred By: Planning

RE: Federal Cycle 2 Program covering FY 2012-13, FY 2013-14, FY 2014-15 and FY 2015-16:
Project Selection Policies and Programming

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4035

WHEREAS, the Metropolitan Transportation Commission (MTC) is the Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC is the designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area region and is required to prepare and endorse a Transportation Improvement Program (TIP) which includes federal funds; and

WHEREAS, MTC is the designated recipient for federal funding administered by the Federal Highway Administration (FHWA) assigned to the MPO/RTPA of the San Francisco Bay Area for the programming of projects (regional federal funds); and

WHEREAS, the federal funds assigned to the MPOs/RTPAs for their discretion are subject to availability and must be used within prescribed funding deadlines regardless of project readiness; and

WHEREAS, MTC, in cooperation with the Association of Bay Area Governments, (ABAG), the Bay Area Air Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC), California Department of Transportation (Caltrans), Congestion Management Agencies (CMAs), transit operators, counties, cities, and interested stakeholders, has developed criteria, policies and procedures to be used in the selection of projects to be funded with various funding including regional federal funds as set forth in Attachments A, B-1 and B-2 of this Resolution, incorporated herein as though set forth at length; and

WHEREAS, using the policies set forth in Attachment A of this Resolution, MTC, in cooperation with the Bay Area Partnership and interested stakeholders, has or will develop a program of projects to be funded with these funds for inclusion in the federal Transportation Improvement Program (TIP), as set forth in Attachments B-1 and B-2 of this Resolution, incorporated herein as though set forth at length; and

WHEREAS the federal TIP and subsequent TIP amendments and updates are subject to public review and comment; now therefore be it

RESOLVED that MTC approves the "Project Selection Policies and Programming" for projects to be funded with Cycle 2 Program funds as set forth in Attachments A, B-1 and B-2 of this Resolution; and be it further

RESOLVED that the federal funding shall be pooled and redistributed on a regional basis for implementation of Project Selection Criteria, Policies, Procedures and Programming, consistent with the Regional Transportation Plan (RTP); and be it further

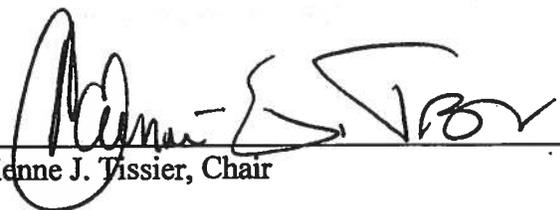
RESOLVED that the projects will be included in the federal TIP subject to final federal approval; and be it further

RESOLVED that the Executive Director or his designee can make technical adjustments and other non-substantial revisions, including updates to fund distributions to reflect final 2014-2022 FHWA figures; and be it further

RESOLVED that the Executive Director or designee is authorized to revise Attachments B-1 and B-2 as necessary to reflect the programming of projects as the projects are selected and included in the federal TIP; and be it further

RESOLVED that the Executive Director shall make available a copy of this resolution, and such other information as may be required, to the Governor, Caltrans, and to other such agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION



Adrienne J. Tissier, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at the regular meeting of the Commission held in Oakland, California, on May 17, 2012

Date: May 17, 2012
W.I.: 1512
Referred by: Planning
Revised: 10/24/12-C
11/28/12-C
12/19/12-C
02/27/12-C

Attachment A
Resolution No. 4035

Cycle 2 Program Project Selection Criteria and Programming Policy

**For
FY 2012-13, FY 2013-14,
FY 2014-15 and FY 2015-16**

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Cycle 2 Program Policy and Programming

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BACKGROUND

Anticipating the end of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) on September 30, 2009, MTC approved Cycle 1 commitments (Resolution 3925) along with an overall framework to guide upcoming programming decisions for Cycle 2 to address the new six-year surface transportation authorization act funding. However, the successor to SAFETEA has not yet been enacted, and SAFETEA has been extended through continuing resolutions. Without the new federal surface transportation act, MTC may program funds forward based on reasonable estimates of revenues. It is estimated that roughly \$795 million is available for programming over the upcoming four-year Cycle 2 period.

Cycle 2 covers the four years from FY 2012-13 to FY 2015-2016 pending the enactment of the new authorization and/or continuation of SAFETEA.

This attachment outlines how the region will use Cycle 2 funds for transportation needs in the MTC region. Funding decisions continue to implement the strategies and objectives of the Regional Transportation Plan (RTP), Transportation 2035, which is the Bay Area's comprehensive roadmap to guide transportation investments in surface transportation including mass transit, highway, local road, bicycle and pedestrian projects over the long term. The program investments recommended for funding in Cycle 2 are an outgrowth of the transportation needs identified by the RTP and also take into consideration the preferred transportation investment strategy of the Sustainable Communities Strategy (SCS).

Appendix A-1 provides an overview of the Cycle 2 Program commitments which contain a regional program component managed by MTC and a county program component to be managed by the counties.

CYCLE 2 REVENUE ESTIMATES AND FEDERAL PROGRAM ARCHITECTURE

MTC receives federal funding for local programming from the State for local programming in the MTC region. Among the various transportation programs established by SAFETEA, this includes regional Surface Transportation Program (STP) Congestion Mitigation and Air Quality Improvement (CMAQ) Program and to a lesser extent, Regional Transportation Improvement Program (RTIP) and Transportation Enhancement (TE) funds. The STP/CMAQ/RTIP/TE programming capacity in Cycle 2 amounts to \$795 million. The Commission programs the STP/CMAQ funds while the California Transportation Commission programs the RTIP and TE Funds. Furthermore, the Bay Area Air Quality Management District (BAAQMD) is contributing Transportation Fund for Clean Air (TFCA) funding to Cycle 2. Below are issues to be addressed as the region implements Cycle 2 programming, particularly in light that approval of Cycle 2 will precede approval of the new federal transportation act.

Revenues: A revenue growth rate of 3% over prior federal apportionments is assumed for the first year – FY 2012-13. Due to continued uncertainties with federal funding, the estimated revenues for the later years of the program, FY 2013-14 through FY 2015-16, have not been escalated, but held steady at the estimated FY 2012-13 apportionment amount. If there are significant reductions in federal apportionments over the Cycle 2 time period, as in the past, MTC will reconcile the revenue levels following enactment of the New Act by making adjustments later if needed, by postponement of projects or adjustments to subsequent programming cycles.

Fund Sources: Development of the new federal surface transportation authorization will need to be closely monitored. New federal programs, their eligibility rules, and how funding is distributed to the states and regions could potentially impact the implementation of the Cycle 2 Regional and One Bay Area Grant (OBAG) Programs. It is anticipated that any changes to the federal programs would likely overlap to a large extent with projects that are currently eligible for funding under Title 23 of the United States Code, though the actual fund sources will likely no longer be referred to as STP/CMAQ/TE in the manner we have grown accustomed. Therefore, reference to specific fund sources in the Cycle 2 programming is a proxy for replacement fund sources for which MTC has programming authority.

NEW FUNDING APPROACH FOR CYCLE 2—THE ONEBAYAREA GRANT

For Cycle 2, the OneBayArea Grant (OBAG) is a new funding approach that better integrates the region's federal transportation program with California's climate law (Senate Bill 375, Steinberg, 2008) and the Sustainable Communities Strategy. Funding distribution to the counties will encourage land-use and housing policies that support the production of housing with supportive transportation investments. This is accomplished through the following policies:

- Using transportation dollars to reward jurisdictions that accept housing allocations through the Regional Housing Need Allocation (RHNA) process and produce housing.
- Supporting the Sustainable Communities Strategy for the Bay Area by promoting transportation investments in Priority Development Areas (PDAs) and by initiating a pilot program in the North Bay counties that will support open space preservation in Priority Conservation Areas (PCA).
- Providing a higher proportion of funding to local agencies and additional investment flexibility by eliminating required program targets. A significant amount of funding that was used for regional programs in Cycle 1 is shifted to local programs (the OneBayArea Grant). The OBAG program allows investments in transportation categories such as Transportation for Livable Communities, bicycle and pedestrian improvements, local streets and roads preservation, and planning and outreach activities, while also providing targeted funding opportunities for Safe Routes to School (SR2S) and Priority Conservation Areas.

Project List

Attachment B of Resolution 4035 contains the list of projects to be programmed under the Cycle 2 Program. Attachments B-1 and B-2 are listings of projects receiving Cycle 2 funding, and reflects the programs and projects included in the regional and OBAG programs respectively. The listing is subject to project selection actions (conducted by MTC for most of the regional programs and by the CMAs for funds distributed to them). MTC staff will update Attachments B-1 and B-2 as projects are selected by the Commission and CMAs and are included in the federal TIP.

OneBayArea Grant Fund Distribution Formula

The formula used to distribute OneBayArea Grant funding to the counties takes into consideration the following factors: population, past housing production, future housing commitments as determined by the Association of Bay Area Governments (ABAG) Regional Housing Needs

Assessment (RHNA) and added weighting to acknowledge very low and low income housing. The formula breakdown is as follows with distributions derived from each jurisdiction’s proportionate share of the regional total for each factor:

OBAG Fund Distribution Factors

Factor Weighting	Percentage
Population	50%
RHNA* (total housing units)	12.5%
RHNA (low/very low income housing units)	12.5%
Housing Production** (total housing units)	12.5%
Housing Production (low/very low income housing units)	12.5%

* RHNA 2014-2022

**Housing Production Report 1999-2006

The objective of this formula is to provide housing incentives to complement the region’s Sustainable Community Strategy (SCS) which together with a Priority Development Area (PDA) focused investment strategy will lead to transportation investments that support focused development. The proposed One Bay Area Grant formula also uses actual housing production data from 1999-2006, which has been capped such that each jurisdiction receives credit for housing up to its RHNA allocation. Subsequent funding cycles will be based on housing production from ABAG’s next housing report to be published in 2013. The formula also recognizes jurisdictions’ RHNA and past housing production (uncapped) contributions to very low and low income housing units. The resulting OBAG fund distribution for each county is presented in Appendix A-4. Funding guarantees are also incorporated in the fund distribution to ensure that all counties receive as much funding under the new funding model as compared to what they would have received under the Cycle 1 framework.

The Commission, working with ABAG, will revisit the funding distribution formula for the next cycle (post FY2015-16) to further evaluate how to best incentivize housing production across all income levels and other Plan Bay Area performance objectives.

CYCLE 2 GENERAL PROGRAMMING POLICIES

The following programming policies apply to all projects funded in Cycle 2:

1. **Public Involvement.** MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement. MTC provides many methods to fulfill this commitment, as outlined in the *MTC Public Participation Plan*, Resolution No. 3821. The Commission’s adoption of the Cycle 2 program, including policy and procedures meet the provisions of the *MTC Public Participation Plan*. MTC’s advisory committees and the Bay

Area Partnership have been consulted in the development of funding commitments and policies for this program; and opportunities to comment have been provided to other stakeholders and members of the public.

Furthermore, investments made in the Cycle 2 program must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. Additionally, when CMAs select projects for funding at the county level, they must consider equitable solicitation and selection of project candidates in accordance with federal Title VI requirements (as set forth in Appendix A-5).

2. **Commission Approval of Programs and Projects and the Transportation Improvement Program (TIP).** Projects approved as part of the Cycle 2 Program must be amended into the federal TIP. The federally required TIP is a comprehensive listing of all San Francisco Bay Area surface transportation projects that receive federal funds, and/or are subject to a federally required action, such as federal environmental clearance, and/or are regionally significant for air quality conformity or modeling purposes. It is the project sponsor's responsibility to ensure their project is properly programmed in the TIP in a timely manner. Where CMAs are responsible for project selection the Commission will revise the TIP to include the resulting projects and Attachment B to this Resolution may be amended by MTC staff to reflect these revisions. Where responsibility for project selection in the framework of a Cycle 2 funding program is assigned to MTC, TIP amendments and a revision to Attachment B will be reviewed and approved by the Commission.
3. **Minimum Grant Size.** The objective of a grant minimum requirement is to maximize the efficient use of federal funds and minimize the number of federal-aid projects which place administrative burdens on project sponsors, CMAs, MTC, Caltrans, and Federal Highway Administration (FHWA) staff. Funding grants per project must therefore be a minimum of \$500,000 for counties with a population over 1 million (Alameda, Contra Costa, and Santa Clara counties) and \$250,000 for counties with a population under one million (Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma counties).

To provide flexibility, alternatively an averaging approach may be used. A CMA may program grant amounts no less than \$100,000 for any project, provided that the overall average of all grant amounts within their OBAG program meets the county minimum grant amount threshold.

Given the typical smaller scale of projects for the Safe Routes to School (SRTS) program, a lower threshold applies to the regional Safe Routes to School Program projects which have a minimum grant size of \$100,000.
4. **Air Quality Conformity.** In the Bay Area, it is the responsibility of MTC to make an air quality conformity determination for the TIP in accordance with federal Clean Air Act requirements and Environmental Protection Agency (EPA) conformity regulations. MTC evaluates the impact of the TIP on regional air quality during the biennial update of the TIP. Since the 2011 air quality conformity finding has been completed for the 2011 TIP, no non-exempt projects that were not incorporated in the finding will be considered for funding in the Cycle 2 Program until

the development of the 2013 TIP during spring 2013. Additionally, the U.S. Environmental Protection Agency has designated the Bay Area as a non-attainment area for PM 2.5. Therefore, based on consultation with the MTC Air Quality Conformity Task Force, projects deemed “Projects of Air Quality Concern” must complete a hot-spot analysis required by the Transportation Conformity Rule. Generally Projects of Air Quality Concern (POAQC) are those projects that result in significant increases in the number of or emissions from diesel vehicles.

5. **Environmental Clearance.** Project sponsors are responsible for compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), and the National Environmental Protection Act (42 USC Section 4-1 et seq.) standards and procedures for all projects with federal funds.
6. **Application, Resolution of Local Support.** Project sponsors must submit a completed project application for each project proposed for funding through MTC’s Funding Management System (FMS). The project application consists of two parts: 1) an application submittal and/or TIP revision request to MTC staff, and 2) Resolution of Local Support approved by the project sponsor’s governing board or council. A template for the resolution of local support can be downloaded from the MTC website using the following link:
http://www.mtc.ca.gov/funding/STPCMAQ/STP_CMAQ_LocalSupportReso.doc
7. **Project Screening and Compliance with Regional and Federal Requirements.** MTC staff will perform a review of projects proposed for the Cycle 2 Program to ensure 1) eligibility; 2) consistency with the RTP; and 3) project readiness. In addition, project sponsors must adhere to directives such as “Complete Streets” (MTC Routine Accommodations for Bicyclists and Pedestrians); and the Regional Project Funding Delivery Policy as outlined below; and provide the required matching funds. Project sponsors should note that fund source programs, eligibility criteria, and regulations may change as a result of the passage of new surface transportation authorization legislation. In this situation, MTC staff will work to realign new fund sources with the funding commitments approved by the Commission.

- ▶ **Federal Project Eligibility:** STP has a wide range of projects that are eligible for consideration in the TIP. Eligible projects include, federal-aid highway and bridge improvements (construction, reconstruction, rehabilitation, resurfacing, restoration, and operational), mitigation related to an STP project, public transit capital improvements, pedestrian, and bicycle facilities, and transportation system management, transportation demand management, transportation control measures, surface transportation planning activities, and safety. More detailed eligibility requirements can be found in Section 133 of Title 23 of the United States Code.

CMAQ funding applies to new or expanded transportation projects, programs, and operations that help reduce emissions. Eligible project categories that meet this basic criteria include: Transportation activities in approved State Implementation Plan (SIP), Transportation Control Measures (TCMs), alternative fuels, traffic flow improvements, transit expansion projects, bicycle and pedestrian facilities and programs, travel demand management, outreach and rideshare activities, telecommuting programs, intermodal freight, planning and project development activities, Inspection and maintenance

programs, magnetic levitation transportation technology deployment program, and experimental pilot projects. For more detailed guidance see the *CMAQ Program Guidance* (FHWA, November 2008).

In the event that the next surface transportation authorization materially alters these programs, MTC staff will work with project sponsors to match projects with appropriate federal fund programs. MTC reserves the right to assign specific fund sources based on availability and eligibility requirements.

- ▶ **RTP Consistency**: Projects included in the Cycle 2 Program must be consistent with the adopted Regional Transportation Plan (RTP), according to federal planning regulations. Each project included in the Cycle 2 Program must identify its relationship with meeting the goals and objectives of the RTP, and where applicable, the RTP ID number or reference.

- ▶ **Complete Streets (MTC Routine Accommodations of Pedestrians and Bicyclists) Policy**: Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. MTC's Complete Streets policy (Resolution No. 3765) created a checklist that is intended for use on projects to ensure that the accommodation of non-motorized travelers are considered at the earliest conception or design phase. The county Congestion Management Agencies (CMAs) ensure that project sponsors complete the checklist before projects are considered by the county for funds and submitted to MTC. CMAs are required to make completed checklists available to their Bicycle and Pedestrian Advisory Committee (BPAC) for review prior to CMAs' project selection actions for Cycle 2.

Other state policies include, Caltrans Complete Streets Policy Deputy Directive 64 R1 which stipulates: pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products and SB 1358 California Complete Streets Act, which requires local agency general plan circulation elements to address all travel modes.

- ▶ **Project Delivery and Monitoring**. Cycle 2 funding is available in the following four federal fiscal years: FY 2012-13, 2013-14, 2014-15, and FY 2015-16. Funds may be programmed in any one of these years, conditioned upon the availability of federal apportionment and obligation authority (OA). This will be determined through the development of an annual obligation plan, which is developed in coordination with the Partnership and project sponsors. However, funds **MUST** be obligated in the fiscal year programmed in the TIP, with all Cycle 2 funds to be obligated no later than March 31, 2016. Specifically, the funds must be obligated by FHWA or transferred to Federal Transit Administration (FTA) within the federal fiscal year that the funds are programmed in the TIP.

All Cycle 2 funding is subject to the Regional Project Funding Delivery Policy and any subsequent revisions (MTC Resolution No. 3606 at http://www.mtc.ca.gov/funding/delivery/MTC_Res_3606.pdf) . Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by

the MTC Regional Project Funding Delivery Policy. All funds are subject to obligation, award, invoicing, reimbursement and project close out requirements. The failure to meet these deadlines may result in the de-programming and redirection to other projects.

To further facilitate project delivery and ensure all federal funds in the region are meeting federal and state regulations and deadlines, every recipient of Cycle 2 funding will need to identify a staff position that serves as the single point of contact for the implementation of all FHWA-administered funds within that agency. The person in this position must have sufficient knowledge and expertise in the federal-aid delivery process to coordinate issues and questions that may arise from project inception to project close-out. The agency is required to identify the contact information for this position at the time of programming of funds in the federal TIP. This person will be expected to work closely with FHWA, Caltrans, MTC and the respective CMA on all issues related to federal funding for all FHWA-funded projects implemented by the recipient.

Project sponsors that continue to miss delivery milestones and funding deadlines for any federal funds are required to prepare and update a delivery status report on all projects with FHWA-administered funds they manage, and participate if requested in a consultation meeting with the county CMA, MTC and Caltrans prior to MTC approving future Cycle programming or including any funding revisions for the agency in the federal TIP. The purpose of the status report and consultation is to ensure the local public agency has the resources and technical capacity to deliver FHWA federal-aid projects, is fully aware of the required delivery deadlines, and has developed a delivery timeline that takes into consideration the requirements and lead-time of the federal-aid process within available resources.

By applying for and accepting Cycle 2 funding, the project sponsor is acknowledging that it has and will maintain the expertise and staff resources necessary to deliver the federal-aid project within the funding timeframe.

- ▶ Local Match. Projects funded with STP or CMAQ funding requires a non-federal local match. Based on California's share of the nation's federal lands, the local match for STP and CMAQ is currently 11.47% of the total project cost. The FHWA will reimburse up to 88.53% of the total project cost. Project sponsors are required to provide the required match, which is subject to change.
- ▶ Fixed Program and Specific Project Selection. Projects are chosen for the program based on eligibility, project merit, and deliverability within established deadlines. The Cycle 2 program is project specific and the funds programmed to projects are for those projects alone. The Cycle 2 Program funding is fixed at the programmed amount; therefore, any cost increase may not be covered by additional Cycle 2 funds. Project sponsors are responsible for securing the necessary match, and for cost increases or additional funding needed to complete the project including contingencies.

REGIONAL PROGRAMS

The programs below comprise the Regional Program of Cycle 2, administered by the Commission. Funding amounts for each program are included in Attachment A-1. Individual projects will be added to Attachment B as they are selected and included in the federal TIP.

1. Regional Planning Activities

This program provides funding to the Association of Bay Area Governments (ABAG), the San Francisco Bay Area Conservation and Development Commission (BCDC), and MTC to support regional planning activities. (Note that in the past this funding category included planning funding for the CMAs. Starting with Cycle 2, CMAs will access their OneBayArea Grant to fund their planning activities rather than from this regional program category). Appendix A-2 details the fund distribution.

2. Regional Operations

This program includes projects which are administered at the regional level by MTC, and includes funding to continue regional operations programs for Clipper®, 511 Traveler information (including 511 Rideshare, 511 Bicycle, 511 Traffic, 511 Real-Time Transit and 511 transit), Freeway Service Patrol / SAFE and Incident Management. Information on these programs is available at <http://www.mtc.ca.gov/services/>.

3. Freeway Performance Initiative

This program builds on the proven success of recent ramp metering projects that have achieved significant delay reduction on Bay Area freeways and arterials at a fraction of the cost of traditional highway widening projects. Several corridors are proposed for metering projects, targeting high congestion corridors. These projects also include Traffic Operations System elements to better manage the system as well as implementing the express lane network. This category also includes funding for performance monitoring activities, regional performance initiatives implementation, Regional Signal Timing Program, Program for Arterial System Synchronization (PASS), freeway and arterial performance initiative projects and express lanes.

4. Pavement Management Program

This continues the region's Pavement Management Program (PMP) and related activities including the Pavement Technical Assistance Program (PTAP). MTC provides grants to local jurisdictions to perform regular inspections of their local streets and roads networks and to update their pavement management systems which is a requirement to receive certain funding. MTC also assists local jurisdictions in conducting associated data collection and analysis efforts including local roads needs assessments and inventory surveys and asset management analysis that feed into regional planning efforts. MTC provides, training, research and development of pavement and non-pavement preservation management techniques, and participates in the state-wide local streets and roads needs assessment effort.

5. Priority Development Area (PDA) Implementation

Funding in this program implements the following:

Regional PDA Implementation:

ABAG Funding: Funds directed to ABAG for implementation of PDAs.

Affordable TOD fund: This is a continuation of MTC's successful Transit Oriented Affordable Housing (TOAH) fund into Cycle 2 which successfully has leveraged a significant amount of outside funding. The TOD fund provides financing for the development of affordable housing and other vital community services near transit lines throughout the Bay Area. Through the Fund, developers can access flexible, affordable capital to purchase or improve available property near transit lines for the development of affordable housing, retail space and other critical services, such as child care centers, fresh food outlets and health clinics. Similar to the initial investment in the TOAH Fund, the following are program conditions: 1) MTC is able to exchange the \$10 million in federal transportation funds for local funds because they cannot be used directly for housing investment; 2) Foundation or other sources of funding would be matched by MTC funds on a minimum 3:1 basis to reach a minimum fund of \$40 million, and 3) the TOAH fund would be spent only in PDAs on projects that have the greatest potential to deliver affordable housing units with direct access to transit.

PDA Planning Grants: MTC and ABAG's PDA Planning Grant Program will place an emphasis on affordable housing production and preservation in funding agreements with grantees. Grants will be made to jurisdictions to provide support in planning for PDAs in areas such as providing housing, jobs, intensified land use, promoting alternative modes of travel to the single occupancy vehicle, and parking management. These studies will place a special focus on selected PDAs with a greater potential for residential displacement and develop and implement community risk reduction plans. Grants will be made to local jurisdictions to provide planning support as needed to meet regional housing goals. Also program funds will establish a new local planning assistance program to provide staff resources directly to jurisdictions to support local land-use planning for PDAs. The Regional PDA Planning/Implementation component will complement county PDA Planning efforts, but will target investments in jurisdictions taking on the majority of Plan Bay Area housing and job growth. Funds would be used to support planning grants and technical assistance.

MTC will commence work with state and federal government to create private sector economic incentives to increase housing production.

Local Planning & Implementation: Funds are made available to support local jurisdictions in their planning and implementation of PDAs in each of the nine counties, developed through the county PDA Investment & Growth Strategy in consultation with ABAG and MTC. Funding is distributed to the county CMAs (with funds for San Francisco distributed to the City/County of San Francisco planning department) using the OBAG distribution formula with no county receiving less than \$750,000 as shown in Appendix 5. Local jurisdictions will either directly access these funds through Caltrans Local Assistance similar to other OBAG grants provided to them by the CMAs, the CMAs may choose to provide individual grants to local jurisdictions through a single program administered by the CMA, or the CMA may request that ABAG administer the grants in cooperation with the local jurisdictions. CMA grants to local jurisdictions and the expenditure of funds by the San Francisco Planning Department are to be aligned with the recommendations and priorities identified in their adopted PDA Growth and Investment Strategy; as well as to the PDA Planning Program guidelines as they apply only to those activities relevant to those guidelines. The CMAs are limited to using no more than 5% of the funds for program administration.

6. Climate Change Initiatives

The proposed funding for the Cycle 2 Climate Initiative Program is to support the implementation of strategies identified in Plan Bay Area to achieve the required CO2 emissions reductions per SB375 and federal criteria pollutant reductions. Staff will work with the Bay Area Air Quality Management District to implement this program.

7. Safe Routes to Schools

Within the Safe Routes to School Program (SR2S program) funding is distributed among the nine Bay Area counties based on K-12 total enrollment for private and public schools as reported by the California Department of Education for FY 2010-11. Appendix A-3 details the county fund distribution. Before programming projects into the TIP the CMAs shall provide the SR2S recommended county program scope, budget, schedule, agency roles, and federal funding recipient. CMAs may choose to augment this program with their own Cycle 2 OBAG funding.

8. Transit Capital Rehabilitation

The program objective is to assist transit operators to fund major fleet replacements, fixed guideway rehabilitation and other high-scoring capital needs, and implement elements of the Transit Sustainability Project, consistent with the FTA Transit Capital Priorities program (MTC Resolution 4072 or successor resolution). This includes a set-aside of \$1 million to support the consolidation and transition of Vallejo and Benicia bus services to SolTrans.

9. Transit Performance Initiative: This new pilot program implements transit supportive investments in major transit corridors that can be carried out within two years. The focus is on making cost-effective operational improvements on significant trunk lines which carry the largest number of passengers in the Bay Area including transit signal prioritization, passenger circulation improvements at major hubs, and boarding/stop improvements. Specific projects are included in Attachment B.

10. Priority Conservation Area (PCA) Program: This is a new pilot program for the development of Priority Conservation Area (PCA) plans and projects to assist counties to ameliorate outward development expansion and maintain their rural character. The PCA funding program includes one approach for the North Bay program (Marin, Napa, Solano, and Sonoma) and a second for the remaining five counties. In the North Bay, each CMA will take the lead to develop its own program building on PCA planning conducted to date and select projects for funding. For the remaining counties, MTC and ABAG will partner with the Coastal Conservancy, a California State agency, to program the PCA funds. MTC will provide \$5 million to the Coastal Conservancy to manage the call for projects in coordination with the Coastal Conservancy's own program funds in order to support a broader range of projects (i.e. land acquisition and easement projects) than can be accommodated with federal transportation dollars alone and achieve the 3:1 minimum match as required by OBAG. MTC and ABAG staff will support the administration of the program. Appendix A-8 outlines the framework for this program including goals, project screening eligibility, eligible sponsors, and project selection.

ONEBAYAREA GRANT PROGRAMMING POLICIES

The policies below apply to the OneBayArea Grant Program, administered by the county Congestion Management Agencies (CMAs) or substitute agency:

- ▶ Program Eligibility: The congestion management agency may program funds from its One Bay Area Grant fund distribution to projects that meet the eligibility requirements for any of the following transportation improvement types:
 - Local Streets and Roads Preservation
 - Bicycle and Pedestrian Improvements
 - Transportation for Livable Communities
 - Safe Routes To School/Transit
 - Priority Conservation Area
 - Planning and Outreach Activities

- ▶ Fund Source Distribution: OBAG is funded primarily from three federal fund sources: STP, CMAQ and TE. Although the new federal surface transportation authorization act now under consideration may alter the actual fund sources available for MTC's programming discretion it is anticipated that any new federal programs would overlap to a large extent with existing programs. The CMAs will be provided a breakdown of specific OBAG fund sources, with the understanding that actual fund sources may change as a result of the new federal surface transportation act. In this situation, MTC staff will work with the CMAs to realign new fund sources with the funding commitments approved by the Commission. Furthermore, due to strict funding availability and eligibility requirements, the CMAs must adhere to the fund source limitations provided. Exceptions may be granted by MTC staff based on actual fund sources available and final apportionment levels.

In determining the fund source distribution to the counties, each county was first guaranteed at least what they would otherwise received in Cycle 2 under the original Cycles 1 & 2 framework as compared to the original July 8, 2011 OBAG proposal. This resulted in the county of Marin receiving an additional \$1.1 million, county of Napa receiving \$1.3 million each, and the county of Solano receiving \$1.4 million, for a total of \$3.8 million (in CMAQ funds) off the top to hold these counties harmless. The Transportation Enhancement (TE) funds were then distributed based on the county TE shares available for OBAG as approved in the 2012 Regional Transportation Improvement Program (RTIP). STP funds were then assigned to the CMA planning and outreach activities. The remaining STP funds assigned to OBAG were then distributed to each county based on the OBAG distribution formula. The remaining funds were distributed as CMAQ per the OBAG distribution formula. The hold harmless clause resulted in a slight deviation in the OBAG formula distribution for the overall funding amounts for each county.

- ▶ Priority Development Area (PDA) Policies
 - PDA minimum: CMAs in larger counties (Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara) shall direct at least 70% of their OBAG

investments to the PDAs. For North Bay counties (Marin, Napa, Solano, and Sonoma) this minimum target is 50% to reflect the more rural nature of these counties. A project lying outside the limits of a PDA may count towards the minimum provided that it directly connects to or provides proximate access to a PDA. Depending on the county, CMA planning costs would partially count towards PDA targets (70% or 50%) in line with its PDA funding target. At MTC staff discretion, consideration may be given to counties that provided higher investments in PDAs in Cycle 1 as part of an overall Cycle 1 and 2 investment package. Priority Conservation Area (PCA) investments do not count towards PDA targets and must use “anywhere” funds. The PDA/’anywhere’ funding split is shown in Appendix A-4.

- PDA Boundary Delineation: Refer to <http://geocommons.com/maps/141979> which provides a GIS overlay of the PDAs in the Bay Area to exact map boundaries including transportation facilities. As ABAG considers and approves new PDA designations this map will be updated.
 - Defining “proximate access to PDAs”: The CMAs make the determination for projects to count toward the PDA minimum that are not otherwise geographically located within a PDA. For projects not geographically within a PDA, CMAs are required to map projects and designate which projects are considered to support a PDA along with policy justifications. This analysis would be subject to public review when the CMA board acts on OBAG programming decisions. This should allow decision makers, stakeholders, and the public to understand how an investment outside of a PDA is to be considered to support a PDA and to be credited towards the PDA investment minimum target. MTC staff will evaluate and report to the Commission on how well this approach achieves the OBAG objectives prior to the next programming cycle.
 - PDA Investment & Growth Strategy: By May 1, 2013, CMAs shall prepare and adopt a PDA Investment & Growth Strategy to guide transportation investments that are supportive of PDAs. An existing Investment and Growth Strategy adopted by the County will be considered as meeting this requirement if it satisfies the general terms in Appendix A-6. See Appendix A-6 for details.
- Performance and Accountability Policies: Jurisdictions need to comply with the following policies in order to be eligible recipients of OBAG funds.
- To be eligible for OBAG funds, a jurisdiction will need to address complete streets policies at the local level through the adoption of a complete streets policy resolution no later than January 31, 2013. A jurisdiction can also meet this requirement through a general plan that complies with the Complete Streets Act of 2008. Staff will provide minimum requirements based on best practices for the resolution. A county can provide its jurisdictions an extension of the deadline to June 30, 2013 as long as no programming for projects are requested of MTC until jurisdictions are in compliance. As discussed below, jurisdictions will be expected to have a general plan that complies within the Complete Streets Act of 2008 to be eligible for the next round of funding.

- A jurisdiction is required to have its general plan housing element adopted and certified by the California Department of Housing and Community Development (HCD) for 2007-14 RHNA prior to January 31, 2013. If a jurisdiction submits its housing element to the state on a timely basis for review, but the State's comment letter identifies deficiencies that the local jurisdictions must address in order to receive HCD certification, then the local jurisdiction may submit a request to the Joint MTC Planning / ABAG Administrative Committee for a time extension to address the deficiencies and resubmit its revised draft housing element to HCD for re-consideration and certification.
- For the OBAG cycle subsequent to FY 2015-16, jurisdictions must adopt housing elements by October 31, 2014 (based on an April 2013 SCS adoption date); therefore, jurisdictions will be required to have General Plans with approved housing elements and that comply with the Complete Streets Act of 2008 by that time to be eligible for funding. This schedule allows jurisdictions to meet the housing and complete streets policies through one general plan amendment.
- OBAG funds may not be programmed to any jurisdiction out of compliance with OBAG policies and other requirements specified in this attachment. The CMA will be responsible for tracking progress towards these requirements and affirming to MTC that a jurisdiction is in compliance prior to MTC programming OBAG funds to its projects in the TIP.
- For a transit agency project sponsor under a JPA or district (not under the governance of a local jurisdiction), the jurisdiction where the project (such as station/stop improvements) is located will need to comply with these policies before funds may be programmed to the transit agency project sponsor. However, this is not required if the project is transit/rail agency property such as, track, rolling stock or transit maintenance facility.
- CMAs will provide documentation for the following prior to programming projects in the TIP:
 - The approach used to select OBAG projects including outreach and a board adopted list of projects
 - Compliance with MTC's complete streets policy
 - A map delineating projects selected outside of PDAs indicating those that are considered to provide proximate access to a PDA including their justifications as outlined on the previous page. CMA staff is expected to use this exhibit when it presents its program of projects to explain the how "proximate access" is defined to their board and the public.
 - Self-certification that the PDA Investment and Growth Strategy, Performance and Accountability Measures, and Outreach have been met using the checklist developed by MTC and the CMAs.
- MTC staff will report on the outcome of the CMA project selection process in late 2013. This information will include, but not be limited to, the following:
 - Mix of project types selected;
 - Projects funded within PDAs and outside of PDAs and how proximity and direct connections were used and justified through the county process;

- Complete streets elements that were funded;
 - Adherence to the performance and accountability requirements;
 - Amount of funding to various jurisdictions and how this related to the distribution formula that includes population, RHNA housing allocations and housing production, as well as low-income housing factors.
 - Public participation process.
- The CMAs will also be required to present their PDA Growth Strategy to the Joint MTC Planning / ABAG Administrative Committee.
- ▶ **Project Selection:** County congestion management agencies or substitute agencies are given the responsibility to develop a project selection process along with evaluation criteria, issue a call for projects, conduct outreach, and select projects
- **Public Involvement:** The decision making authority to select projects for federal funding accompanies responsibilities to ensure that the process complies with federal statutes and regulations. In order to ensure that the CMA process for administering OBAG is in compliance, CMAs are required to lead a public outreach process as directed by Appendix A-5.
 - **Unified Call for Projects:** CMAs are requested to issue one unified call for projects for their One Bay Area grant, with a final project list due to MTC by June 30, 2013. CMA staff need to ensure that all projects are submitted using the Fund Management System (FMS) no later than July 30, 2013. The goal of this process is to reduce staff time, coordinate all programs to respond to larger multi-modal projects, and provide project sponsors the maximum time to deliver projects.
 - **Project Programming Targets and Delivery Deadlines:** CMAs must program their block grant funds over the four-year period of Cycle 2 (FY 2012-13 through FY 2015-16). The expectation is that the CMA planning activities \ project would use capacity of the first year to provide more time for delivery as contrasted to other programs which tend to have more complex environmental and design challenges, but this is not a requirement. The funding is subject to the provisions of the Regional Project Delivery Policy (MTC Resolution 3606 or its successor) including the Request for Authorization (RFA) submittal deadline and federal authorization/obligation deadline. Furthermore the following funding deadlines apply for each county, with earlier delivery strongly encouraged:
 - Half of the OBAG funds, including all funds programmed for the PE phase, must be obligated (federal authorization/E-76) by March 31, 2015.
 - All remaining OBAG funds must be obligated by March 31, 2016.

CYCLE 2 COUNTY ONE BAY AREA GRANT PROJECT GUIDANCE

The categories below comprise the Cycle 2 County One Bay Area Grant Program, administered by the county congestion management agencies. Project selection should ensure that all of the eligibility requirements below are met. MTC staff will work with CMAs and project sponsors to

resolve any eligibility issues which may arise, including air quality conformity exceptions and requirements.

1. CMA Planning and Outreach

This category provides funding to the nine county Congestion Management Agencies (CMAs) to support regional planning, programming and outreach activities. Such efforts include: county-based planning efforts for development of the RTP/SCS; development of PDA growth strategies; development and implementation of a complete streets compliance protocol; establishing land use and travel forecasting process and procedures consistent with ABAG/MTC; ensuring the efficient and effective delivery of federal-aid local projects; and undertaking the programming of assigned funding and solicitation of projects. The base funding level reflects continuing the Transportation 2035 commitment level by escalating at 3% per year from the base amount in FY 2011-12. In addition, the CMAs may request additional funding from their share of OBAG to enhance or augment additional activities at their discretion. All funding and activities will be administered through an interagency agreement between MTC and the respective CMA. Actual amounts for each CMA as augmented, are shown in Appendix A-2

2. Local Streets and Roads Preservation

This category is for the preservation of local streets and roads on the federally-eligible system. To be eligible for funding of any Local Streets and Roads (LSR) preservation project, the jurisdiction must have a certified Pavement Management Program (StreetSaver® or equivalent). The needs analysis ensures that streets recommended for treatment are cost effective. Pavement projects should be based on the needs analysis resulting from the established Pavement Management Program (PMP) for the jurisdiction. MTC is responsible for verifying the certification status. The certification status can be found at www.mtcpms.org/ptap/cert.html. Specific eligibility requirements are included below:

Pavement Rehabilitation:

Pavement rehabilitation projects including pavement segments with a PCI below 70 should be consistent with segments recommended for treatment within the programming cycle by the jurisdiction's PMP.

Preventive Maintenance: Only projects where pavement segments have a Pavement Condition Index (PCI) of 70 or above are eligible for preventive maintenance. Furthermore, the local agency's Pavement Management Program (PMP) must demonstrate that the preventive maintenance strategy is a cost effective method of extending the service life of the pavement.

Non-Pavement:

Eligible non-pavement activities and projects include rehabilitation or replacement of existing features on the roadway facility, such as storm drains, National Pollutant Discharge Elimination System (NPDES), curbs, gutters, culverts, medians, guardrails, safety features, signals, signage, sidewalks, ramps and features that bring the facility to current standards. The jurisdiction must still have a certified PMP to be eligible for improvements to non-pavement features.

Activities that are not eligible for funding include: Air quality non-exempt projects (unless granted an exception by MTC staff), capacity expansion, new roadways, roadway extensions, right of way

acquisition (for future expansion), operations, routine maintenance, spot application, enhancements that are above and beyond repair or replacement of existing assets (other than bringing roadway to current standards), and any pavement application not recommended by the Pavement Management Program unless otherwise allowed above.

Federal-Aid Eligible Facilities: Federal-aid highways as defined in 23 U.S.C. 101(a)(5) are eligible for local streets and roads preservation funding. A federal-aid highway is a public road that is not classified as a rural minor collector or local road or lower. Project sponsors must confirm the eligibility of their roadway through the Highway Performance Monitoring System (HPMS) prior to the application for funding.

Federal Aid Secondary (FAS) Program Set-Aside: While passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 dissolved the Federal Aid Secondary (FAS) program, California statutes provide the continuation of minimum funding to counties, guaranteeing their prior FAS shares. The first three years of Cycle 2 were covered up-front under the Cycle 1 FAS program (covering a total 6-year period). The fourth year of Cycle 2 will be covered under the OBAG. Funding provided to the counties by the CMAs under OBAG will count toward the continuation of the FAS program requirement.

3. Bicycle and Pedestrian Improvements

The Bicycle and Pedestrian program may fund a wide range of bicycle and pedestrian improvements including Class I, II and III bicycle facilities, bicycle education, outreach, sharing and parking, sidewalks, ramps, pathways and pedestrian bridges, user safety and supporting facilities, and traffic signal actuation.

According to CMAQ eligibility requirements, bicycle and pedestrian facilities must not be exclusively recreational and reduce vehicle trips resulting in air pollution reductions. Also to meet the needs of users, hours of operation need to be reasonable and support bicycle / pedestrian needs particularly during commute periods. For example the policy that a trail be closed to users before sunrise or after sunset limits users from using the facility during the peak commute hours, particularly during times of the year with shorter days. These user restrictions indicate that the facility is recreational rather than commute oriented. Also, as contrasted with roadway projects, bicycle and pedestrian projects may be located on or off the federal-aid highway system.

4. Transportation for Livable Communities

The purpose of Transportation for Livable Communities (TLC) projects is to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, high-density neighborhoods, and transit corridors, enhancing their amenities and ambiance and making them places where people want to live, work and visit. The TLC program supports the RTP/SCS by investing in improvements and facilities that promote alternative transportation modes rather than the single-occupant automobile.

General project categories include the following:

- Station Improvements such as plazas, station access pocket parks, bicycle parking
- Complete streets improvements that encourage bicycle and pedestrian access

- Transportation Demand Management projects including carsharing, vanpooling traveler coordination and information or Clipper®-related projects
- Connectivity projects connecting high density housing/jobs/mixed use to transit, such as bicycle/pedestrian paths and bridges and safe routes to transit.
- Density Incentives projects and non-transportation infrastructure improvements that include density bonuses, sewer upgrade, land banking or site assembly (these projects require funding exchanges to address federal funding eligibility limitations)
- Streetscape projects focusing on high-impact, multi-modal improvements or associated with high density housing/mixed use and transit (bulb outs, sidewalk widening , cross walk enhancements, audible signal modification, mid block crossing and signal, new stripping for bicycle lanes and road diets, pedestrian street lighting, medians, pedestrian refugees, way finding signage, pedestrian scaled street furniture including bus shelters, tree grates, benches, bollards, magazine racks, garbage and recycling bins, permanent bicycle racks, signal modification for bicycle detection, street trees, raised planters, planters, costs associated with on- site storm water management, permeable paving)
- Funding for TLC projects that incentivize local PDA Transit Oriented Development Housing

5. Safe Routes to School

The county Safe Routes to School Program continues to be a regional program. The funding is distributed directly to the CMAs by formula through the Cycle 2 regional program (see Appendix A-3). However, a CMA may use OBAG funding to augment this amount. Eligible projects include infrastructure and non-infrastructure projects that facilitate reduction in vehicular travel to and from schools. It is important to note that CMAQ is used to fund this program which is targeted towards air quality improvement rather than children's health or safety. Nevertheless CMAQ eligibility overlaps with Safe Routes to School Program projects that are eligible under the federal and state programs with few exceptions which are noted below. Refer to the following link for detailed examples of eligible projects which is followed by CMAQ funding eligibility parameters:

http://mtc.ca.gov/funding/STPCMAQ/7_SR2S_Eligibility_Matrix.pdf

Non-Infrastructure Projects

Public Education and Outreach Activities

- Public education and outreach can help communities reduce emissions and congestion by inducing drivers to change their transportation choices.
- Activities that promote new or existing transportation services, developing messages and advertising materials (including market research, focus groups, and creative), placing messages and materials, evaluating message and material dissemination and public awareness, technical assistance, programs that promote the Tax Code provision related to commute benefits, and any other activities that help forward less-polluting transportation options.
- Air quality public education messages: Long-term public education and outreach can be effective in raising awareness that can lead to changes in travel behavior and ongoing emissions reductions; therefore, these activities may be funded indefinitely.
- Non-construction outreach related to safe bicycle use
- Travel Demand Management Activities including traveler information services, shuttle services, carpools, vanpools, parking pricing, etc.

Infrastructure Projects

Bicycle/Pedestrian Use:

- Constructing bicycle and pedestrian facilities (paths, bike racks, support facilities, etc.) that are not exclusively recreational and reduce vehicle trips
- Programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas new construction and major reconstructions of paths, tracks, or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest
- Traffic calming measures

Exclusions found to be ineligible uses of CMAQ funds:

- Walking audits and other planning activities (STP based on availability will be provided for these purposes upon CMA's request)
- Crossing guards and vehicle speed feedback devices, traffic control that is primarily oriented to vehicular traffic rather than bicyclists and pedestrians
- Material incentives that lack an educational message or exceeding a nominal cost.

6. Priority Conservation Areas

This is an outgrowth of the new regional program pilot for the development of Priority Conservation Area (PCA) plans and projects to assist counties to ameliorate outward development expansion and maintain their rural character. A CMA may use OBAG funding to augment grants received from the regionally competitive program or develop its own county PCA program. Generally, eligible projects will include planning, land / easement acquisition, open space access projects, and farm-to-market capital projects.

PROGRAM SCHEDULE

Cycle 2 spans apportionments over four fiscal years: FY 2012-13, FY 2013-14, FY 2014-15 and FY 2015-16. Programming in the first year will generally be for the on-going regional operations and regional planning activities which can be delivered immediately, allowing the region to meet the obligation deadlines for use of FY 2012-13 funds. This strategy, at the same time, provides several months during FY 2012-13 for program managers to select projects and for MTC to program projects into the TIP to be obligated during the remaining second, third and fourth years of the Cycle 2 period. If CMAs wish to program any OBAG funds in the first year, MTC will try to accommodate requests depending on available federal apportionments and obligation limitations, as long as the recipient has met the OBAG requirements.

Appendix A-1

Cycle 2 Regional and County Programs FY 2012-13 through FY 2015-16 October 24, 2012

Proposed Cycle 2 Funding Commitments

Regional Program (millions \$ - rounded)		4-Year Total
Regional Categories		
1	Regional Planning Activities	\$7
2	Regional Operations	\$95
3	Freeway Performance Initiative	\$96
4	Pavement Management Program	\$7
5	Priority Development Activities	\$40
6	Climate Initiatives	\$20
7	Safe Routes To School	\$20
8	Transit Capital Rehabilitation	\$150
9	Transit Performance Initiative	\$30
10	Priority Conservation Area	\$10
Regional Program Total:		\$475
		60%

One Bay Area Grant (OBAG) (millions \$ - rounded)		4-Year Total
Counties		
1	Alameda	<u>\$63</u>
2	Contra Costa	<u>\$45</u>
3	Marin	<u>\$10</u>
4	Napa	<u>\$6</u>
5	San Francisco	<u>\$38</u>
6	San Mateo	<u>\$26</u>
7	Santa Clara	<u>\$88</u>
8	Solano	<u>\$18</u>
9	Sonoma	<u>\$23</u>
OBAG Total: *		\$320
		40%

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Cycle 2 Total Total: *	\$795
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* Amounts may not total due to rounding

* OBAG amounts revised October 2012 to reflect revised RHNA, released July 2012.

Appendix A-2

Cycle 2 Planning & Outreach FY 2012-13 through FY 2015-16 May 2013

OBAG - County CMA Planning

County	Agency	Cycle 2 OBAG County CMA Planning - Base				SubTotal	CMA-OBAG Augmentation	Total
		2012-13	2013-14	2014-15	2015-16			
Alameda	ACTC	\$916,000	\$944,000	\$973,000	\$1,003,000	\$3,836,000	\$3,270,000	\$7,106,000
Contra Costa	CCTA	\$725,000	\$747,000	\$770,000	\$794,000	\$3,036,000	\$1,164,000	\$4,200,000
Marin	TAM	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$418,000	\$3,091,000
Napa	NCTPA	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$0	\$2,673,000
San Francisco	SFCTA	\$667,000	\$688,000	\$709,000	\$731,000	\$2,795,000	\$773,000	\$3,568,000
San Mateo	SMCCAG	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$672,000	\$3,345,000
Santa Clara	VTA	\$1,014,000	\$1,045,000	\$1,077,000	\$1,110,000	\$4,246,000	\$1,754,000	\$6,000,000
Solano	STA	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$333,000	\$3,006,000
Sonoma	SCTA	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$0	\$2,673,000
County CMAs Total:		\$6,512,000	\$6,714,000	\$6,919,000	\$7,133,000	\$27,278,000	\$8,384,000	\$35,662,000

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Regional Agency Planning

Regional Agency	Cycle 2 Regional Agency Planning - Base				SubTotal	Augmentation	Total	
	2012-13	2013-14	2014-15	2015-16				
ABAG	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$0	\$2,673,000	
BCDC	\$320,000	\$330,000	\$340,000	\$351,000	\$1,341,000	\$0	\$1,341,000	
MTC	\$638,000	\$658,000	\$678,000	\$699,000	\$2,673,000	\$0	\$2,673,000	
Regional Agencies Total:		\$1,596,000	\$1,646,000	\$1,696,000	\$1,749,000	\$6,687,000	\$0	\$6,687,000

\$42,349,000

Appendix A-3

Cycle 2
 Safe Routes to School County Distribution
 FY 2012-13 through FY 2015-16
 May 2012

Safe Routes To School County Distribution

County	Public School Enrollment (K-12) *	Private School Enrollment (K-12) *	Total School Enrollment (K-12) *	Percentage	Annual Funding	Total Funding	Total Funding
					\$5,000,000	\$20,000,000	\$20,000,000
Alameda	214,626	24,537	239,163	21%	\$1,073,184	\$4,292,737	\$4,293,000
Contra Costa	166,956	16,274	183,230	16%	\$822,199	\$3,288,796	\$3,289,000
Marin	29,615	5,645	35,260	3%	\$158,220	\$632,882	\$633,000
Napa	20,370	3,036	23,406	2%	\$105,029	\$420,114	\$420,000
San Francisco	56,454	23,723	80,177	7%	\$359,774	\$1,439,097	\$1,439,000
San Mateo	89,971	16,189	106,160	10%	\$476,367	\$1,905,466	\$1,905,000
Santa Clara	261,945	38,119	300,064	27%	\$1,346,462	\$5,385,850	\$5,386,000
Solano	67,117	2,855	69,972	6%	\$313,982	\$1,255,928	\$1,256,000
Sonoma	71,049	5,787	76,836	7%	\$344,782	\$1,379,130	\$1,379,000
Total:	978,103	136,165	1,114,268	100%	\$5,000,000	\$20,000,000	\$20,000,000

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* From California Department of Education for FY 2010-11

Appendix A-4

**Cycle 2
 OBAG County Fund Distribution
 FY 2012-13 through FY 2015-16
 October 24, 2012**

OBAG Geographic Funding Distribution

County	OBAG Funds	PDA/Anywhere Split	PDA	Anywhere
Alameda	<u>\$63,065,000</u>	70/30	<u>\$44,146,000</u>	<u>\$18,919,000</u>
Contra Costa	<u>\$45,204,000</u>	70/30	<u>\$31,643,000</u>	<u>\$13,561,000</u>
Marin	<u>\$10,028,000</u>	50/50	<u>\$5,014,000</u>	<u>\$5,014,000</u>
Napa	<u>\$6,661,000</u>	50/50	<u>\$3,331,000</u>	<u>\$3,330,000</u>
San Francisco	<u>\$38,584,000</u>	70/30	<u>\$27,009,000</u>	<u>\$11,575,000</u>
San Mateo	<u>\$26,524,000</u>	70/30	<u>\$18,567,000</u>	<u>\$7,957,000</u>
Santa Clara	<u>\$88,126,000</u>	70/30	<u>\$61,688,000</u>	<u>\$26,438,000</u>
Solano	<u>\$18,769,000</u>	50/50	<u>\$9,385,000</u>	<u>\$9,384,000</u>
Sonoma	<u>\$23,039,000</u>	50/50	<u>\$11,520,000</u>	<u>\$11,519,000</u>
Total:	\$320,000,000		\$212,303,000	\$107,697,000

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OBAG amounts revised October 2012 to reflect revised RHNA, released July 2012.

Appendix A-5: One Bay Area Grant Call for Projects Guidance

The Metropolitan Transportation Commission (MTC) has delegated OBAG project selection to the nine Bay Area Congestion Management Agencies (CMAs) as they are best suited for this role because of their existing relationships with local jurisdictions, elected officials, transit agencies, community organizations and stakeholders, and members of the public within their respective counties. In order to meet federal requirements that accompany the decision-making process regarding federal transportation funding, MTC expects the CMAs to plan and execute an effective public outreach and local engagement process to solicit candidate projects to be submitted to MTC for consideration for inclusion in the Cycle 2 One Bay Area Grant Program. CMAs will also serve as the main point of contact for local sponsoring agencies and members of the public submitting projects for consideration for inclusion in the 2013 Transportation Improvement Program.

CMAs will conduct a transparent process for the Call for Projects while complying with federal regulations by carrying out the following activities:

1. Public Involvement and Outreach

- **Conduct countywide outreach to stakeholders and the public to solicit project ideas.** CMAs will be expected to implement their public outreach efforts in a manner consistent with MTC's Public Participation Plan (MTC Resolution No. 3821), which can be found at http://www.mtc.ca.gov/get_involved/participation_plan.htm. CMAs are expected at a minimum to:
 - Execute effective and meaningful local engagement efforts during the call for projects by working closely with local jurisdictions, elected officials, transit agencies, community-based organizations, and the public through the project solicitation process.
 - Explain the local Call for Projects process, informing stakeholders and the public about the opportunities for public comments on project ideas and when decisions are to be made on the list of projects to be submitted to MTC;
 - Hold public meetings and/or workshops at times which are conducive to public participation to solicit public input on project ideas to submit;
 - Post notices of public meetings and hearing(s) on their agency website; include information on how to request language translation for individuals with limited English proficiency. If agency protocol has not been established, please refer to MTC's Plan for Assisting Limited English Proficient Populations at http://www.mtc.ca.gov/get_involved/lep.htm
 - Hold public meetings in central locations that are accessible for people with disabilities and by public transit;
 - Offer language translations and accommodations for people with disabilities, if requested at least three days in advance of the meeting.
- **Document the outreach effort undertaken for the local call for projects.** CMAs are to provide MTC with:
 - A description of how the public was involved in the process for nominating and/or commenting on projects selected for OBAG funding. Specify whether public input was

gathered at forums held specifically for the OBAG project solicitation or as part of a separate planning or programming outreach effort;

- A description of how the public engagement process met the outreach requirements of MTC's Public Participation Plan, including how the CMA ensured full and fair participation by all potentially affected communities in the project submittal process.
- A summary of comments received from the public and a description of how public comments informed the recommended list of projects submitted by the CMA.

2. Agency Coordination

- ***Work closely with local jurisdictions, transit agencies, MTC, Caltrans, federally recognized tribal governments, and stakeholders to identify projects for consideration in the OBAG Program.*** CMAs will assist with agency coordination by:
 - Communicating this Call for Projects guidance to local jurisdictions, transit agencies, federally recognized tribal governments, and other stakeholders

3. Title VI Responsibilities

- ***Ensure the public involvement process provides underserved communities access to the project submittal process as in compliance with Title VI of the Civil Rights Act of 1964.***
 - Assist community-based organizations, communities of concern, and any other underserved community interested in having projects submitted for funding;
 - Remove barriers for persons with limited-English proficiency to have access to the project submittal process;
 - For Title IV outreach strategies, please refer to MTC's Public Participation Plan found at: http://www.onebayarea.org/get_involved.htm
 - Additional resources are available at
 - i. <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>
 - ii. http://www.dot.ca.gov/hq/LocalPrograms/DBE_CRLC.html#TitleVI
 - iii. http://www.mtc.ca.gov/get_involved/rights/index.htm

Appendix A-6: PDA Investment & Growth Strategy

The purpose of a PDA Investment & Growth Strategy is to ensure that CMAs have a transportation project priority-setting process for OBAG funding that supports and encourages development in the region's PDAs, recognizing that the diversity of PDAs will require different strategies. Some of the planning activities noted below may be appropriate for CMAs to consider for jurisdictions or areas not currently designated as PDAs if those areas are still considering future housing and job growth. Regional agencies will provide support, as needed, for the PDA Investment & Growth Strategies. From time to time, MTC shall consult with the CMAs to evaluate progress on the PDA Investment and Growth Strategy. This consultation may result in specific work elements shifting among MTC, ABAG and the CMAs. Significant modifications to the scope of activities may be formalized through future revisions to this resolution. The following are activities CMAs need to undertake in order to develop a project priority-setting process:

(1) Engaging Regional/Local Agencies

- Develop or continue a process to regularly engage local planners and public works staff. Encourage community participation throughout the planning process and in determining project priorities
- Participate as a TAC member in local jurisdiction planning processes funded through the regional PDA Planning Program or as requested by jurisdictions. Partner with MTC and ABAG staff to ensure that regional policies are addressed in PDA plans.

(2) Planning Objectives – to Inform Project Priorities

- Keep apprised of ongoing transportation and land-use planning efforts throughout the county
- Encourage local agencies to quantify transportation infrastructure needs and costs as part of their planning processes
- Encourage and support local jurisdictions in meeting their housing objectives established through their adopted Housing Elements and RHNA.
 - *Short-term:* By May 1, 2013, receive and review information submitted to the CMA by ABAG on the progress of local jurisdictions in implementing their housing element objectives and identify current local housing policies that encourage affordable housing production and/or community stabilization.
 - *Long-term:* Starting in May 2014 and in all subsequent updates, PDA Investment & Growth Strategies will assess local jurisdiction efforts in approving sufficient housing for all income levels through the RHNA process and, where appropriate, assist local jurisdictions in implementing local policy changes to facilitate achieving these goals¹. The locally crafted policies should be targeted to the specific circumstances of each PDA. For example, if the PDA currently does not provide for a mix of income-levels, any recommend policy changes should be aimed at promoting affordable housing. If the PDA currently is mostly low-income housing, any needed policy changes should be aimed at community stabilization. This analysis will be coordinated with related work conducted through the Housing and Urban Development (HUD) grant awarded to the region in fall 2011.

(3) Establishing Local Funding Priorities - Develop funding guidelines for evaluating OBAG projects that support multi-modal transportation priorities based on connections to housing, jobs and commercial activity. Emphasis should be placed on the following factors when developing project evaluation criteria:

- **Projects located in high impact project areas.** Key factors defining high impact areas include:
 - a. Housing – PDAs taking on significant housing growth in the SCS (total number of units and percentage change), including RHNA allocations, as well as housing production

¹ Such as inclusionary housing requirements, city-sponsored land-banking for affordable housing production, “just cause eviction” policies, policies or investments that preserve existing deed-restricted or “naturally” affordable housing, condo conversion ordinances that support stability and preserve affordable housing, etc.

- b. Jobs in proximity to housing and transit (both current levels and those included in the SCS),
- c. Improved transportation choices for all income levels (reduces VMT), proximity to quality transit access, with an emphasis on connectivity (including safety, lighting, etc.)
- d. Consistency with regional TLC design guidelines or design that encourages multi-modal access: http://www.mtc.ca.gov/planning/smart_growth/tlc/2009_TLC_Design_Guidelines.pdf
- e. Project areas with parking management and pricing policies
- **Projects located in Communities of Concern (COC)** – favorably consider projects located in a COC as defined by MTC (see: <http://geocommons.com/maps/110983>) or as defined by CMAs according to local priorities
- **PDA's with affordable housing preservation and creation strategies** – favorably consider projects in jurisdictions with affordable housing preservation and creation strategies or policies
- **PDA's that overlap or are colocated with: 1) populations exposed to outdoor toxic air contaminants as identified in the Air District's Community Air Risk Evaluation (CARE) Program and/or 2) freight transport infrastructure** –Favorably consider projects in these areas where local jurisdictions employ best management practices to mitigate PM and toxic air contaminants exposure.

Process/Timeline

CMA's develop PDA Investment & Growth Strategy	June 2012 – May 2013
PDA Investment & Growth Strategy Presentations by CMAs to Joint MTC Planning and ABAG Administrative Committee	Summer/Fall 2013
CMAs amend PDA Investment & Growth Strategy to incorporate follow-up to local housing production and policies	May 2014
CMAs submit annual progress reports related to PDA Growth Strategies, including status of jurisdiction progress on development/adoption of housing elements and complete streets ordinances.	May 2014, Ongoing

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Appendix A-7

Cycle 2 County PDA Implementation FY 2012-13 through FY 2015-16 November 2012

County PDA Implementation

County	Administering Agency	OBAG Formula	PDA Planning Share *	County PDA Implementation Total
Alameda	ACTC	20.2%	19.5%	\$3,905,000
Contra Costa	CCTA	14.2%	13.7%	\$2,745,000
Marin	TAM	2.8%	3.8%	\$750,000
Napa	NCTPA	1.7%	3.8%	\$750,000
San Francisco **	City/County of SF	12.3%	11.9%	\$2,380,000
San Mateo	SMCCAG	8.3%	8.0%	\$1,608,000
Santa Clara	VTA	27.6%	26.7%	\$5,349,000
Solano	STA	5.5%	5.3%	\$1,066,000
Sonoma	SCTA	7.5%	7.2%	\$1,447,000
County PDA Implementation Total:		100.0%	100.0%	\$20,000,000

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* County minimum of \$750,000 for Marin and Napa results in actual PDA Implementation share different than OBAG formula share

** Funding for San Francisco to be provided to San Francisco City/County planning department

APPENDIX A-8: Priority Conservation Area (PCA) Program

Program Goals and Eligible Projects

The goal of the Priority Conservation Area Program is to support Plan Bay Area by preserving and enhancing the natural, economic and social value of rural lands in the Bay Area, for residents and businesses. These values include globally unique ecosystems, productive agricultural lands, recreational opportunities, healthy fisheries, and climate protection (mitigation and adaptation), among others. The PCA Program should also be linked to SB 375 goals which direct MPOs to prepare sustainable community strategies which consider resource areas and farmland in the region as defined in Section 65080.01 (attached). ABAG’s FOCUS program delineates both the Priority Development Areas and the Priority Conservation Areas.

Per MTC Resolution No. 4035, the PCA program is split into two elements:

1. North Bay Program (\$5 million)
2. Peninsula, Southern and Eastern Counties Program (\$5 million)

The North Bay program framework is to be developed by the four North Bay county congestion management agencies, building on their PCA planning and priorities carried out to date. Project eligibility is limited by the eligibility of federal surface transportation funding; unless the CMA can exchange these funds or leverage new fund sources for their programs.

The Peninsula, Southern and Eastern Counties Program will be administered by the Coastal Conservancy in partnership with MTC and ABAG based on the proposal provided below. The table below outlines screening criteria, eligible applicants, and the proposed project selection and programming process for the Peninsula, Southern and Eastern Counties.

Funding Amount	<ul style="list-style-type: none"> • \$5 million
Screening Criteria	<ul style="list-style-type: none"> • PCA Designation: If a project currently isn’t in or doesn’t connect to a PCA, the applicant must file an application with ABAG requesting a PCA designation. • Regionally Significant: Indicators of regional significance include a project’s contribution to goals stated in regional habitat, agricultural or open space plans (i.e. <i>San Francisco Bay Area Upland Habitat Goals Project Report</i> at http://www.bayarealands.org/reports/), countywide Plans or ABAG’s PCA designations. Applicants should describe who will benefit from the project and regional (greater-than-local need) it serves. • Open Space Protection In Place: Linkages to or location in a Greenbelt area that is policy protected from development. Land acquisition or easement projects would be permitted in an area without open space policy protections in place. • Non-Federal Local Match: 3:1 minimum match • Meets Program Goals: Projects that meet one of the following program goals (subject to funding eligibility—see next page): <ul style="list-style-type: none"> ○ Protects or enhances “resource areas” or habitats as defined in California Government Code Section 65080.01. ○ Provides or enhances bicycle and pedestrian access to open space / parkland resources. Notable examples are the Bay and Ridge Trail Systems. ○ Supports the agricultural economy of the region.

<p>Eligible Applicants</p>	<ul style="list-style-type: none"> Local governments (cities, counties, towns), county congestion management agencies, tribes, water/utility districts, resource conservation districts, park and/or open space districts, land trusts and other land/resource protection nonprofit organizations in the nine-county San Francisco Bay Area are invited to nominate projects. Applicants are strongly encouraged to collaborate and partner with other entities on the nomination of projects, and partnerships that leverage additional funding will be given higher priority in the grant award process. Partnerships are necessary with cities, counties, or CMAs in order to access federal funds. Project must have an implementing agency that is able to receive a federal-aid grant (master agreement with Caltrans)
<p>Emphasis Areas / Eligible Projects</p>	<p>Eligible Projects</p> <ol style="list-style-type: none"> Planning Activities Pedestrian and Bicycle Facilities/ Infrastructure: On-road and off-road trail facilities, sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming, lighting and other safety related infrastructure, and ADA compliance, conversion and use of abandoned rail corridors for pedestrians and bicyclists. Visual Enhancements: Construction of turnouts, overlooks and viewing areas. Habitat / Environmental Enhancements: Vegetation management practices in transportation rights-of-way, reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats, mitigation of transportation project environmental impacts funded through the federal-aid surface transportation program. Protection (Land Acquisition or Easement) or Enhancement of Natural Resources, Open Space or Agricultural Lands: Parks and open space, staging areas or environmental facilities; or natural resources, such as listed species, identified priority habitat, wildlife corridors, wildlife corridors watersheds, or agricultural soils of importance.
<p>Project Selection</p>	<p>Coastal Conservancy* Partnership Program: MTC will provide \$5 million of federal transportation funds to the Conservancy which will be combined with the Conservancy’s program funding, and further leveraged by private foundation funding, as the basis for a regional call for projects. In addition a broader range of projects (i.e. land acquisition and easement projects) can be accommodated, which is not the case with federal transportation funds alone. The Conservancy will manage the program in collaboration with MTC and ABAG staff. This approach would harness the expertise of the coastal conservancy, expand the pool of eligible projects, and leverage up to \$10 million in additional resources through Coastal Conservancy, and the Moore Foundation**.</p>

*The Coastal Conservancy is a state agency and the primary public land conservation funding source in the Bay Area, providing funding for many different types of land conservation projects. For more information see <http://scc.ca.gov/>

**The Gordon and Betty Moore Foundation seeks to advance environmental conservation, scientific research, and patient care--around the world and in the San Francisco Bay Area. For more information see <http://www.moore.org/>

**Cycle 2
 Regional Programs Project List
 FY 2012-13 through FY 2015-16
 May 2013**

Regional Programs Project List

Project Category and Title	County	Implementing Agency	Total STP/CMAQ	Total Other RTIP/TAP/TFCA	Total Cycle 2
CYCLE 2 REGIONAL PROGRAMS			\$424,347,000	\$40,000,000	\$464,347,000
1. REGIONAL PLANNING ACTIVITIES (PL)					
ABAG Planning	Region-Wide	ABAG	\$2,673,000	\$0	\$2,673,000
BCDC Planning	Region-Wide	BCDC	\$1,341,000	\$0	\$1,341,000
MTC Planning	Region-Wide	MTC	\$2,673,000	\$0	\$2,673,000
1. REGIONAL PLANNING ACTIVITIES (PL)			TOTAL: \$6,687,000	\$0	\$6,687,000
2. REGIONAL OPERATIONS (RO)					
Clipper® Fare Media Collection	Region-Wide	MTC	\$21,400,000	\$0	\$21,400,000
511 - Traveler Information	Region-Wide	MTC	\$48,770,000	\$0	\$48,770,000
SUBTOTAL			\$70,170,000	\$0	\$70,170,000
FSP/Incident Management Incident Management Program	Region-Wide	MTC/SAFE	\$10,840,000	\$0	\$10,840,000
FSP/Incident Management FSP/Call Box Program	Region-Wide	MTC/SAFE	\$14,290,000	\$0	\$14,290,000
SUBTOTAL			\$14,290,000	\$0	\$14,290,000
2. REGIONAL OPERATIONS (RO)			TOTAL: \$84,460,000	\$0	\$84,460,000
3. FREEWAY PERFORMANCE INITIATIVE (FPI)					
Regional Performance Initiatives Implementation	Region-Wide	MTC	\$5,750,000	\$0	\$5,750,000
Regional Performance Initiatives Corridor Implementation	Region-Wide	MTC	\$6,000,000	\$0	\$6,000,000
Program for Arterial System Synchronization (PASS)	Region-Wide	MTC	\$7,000,000	\$0	\$7,000,000
SUBTOTAL			\$18,750,000	\$0	\$18,750,000
Ramp Metering and TOS Elements					
FPI - CC SR4 & SR242: Loveridge to Alhambra & I-680 to SR 4 Ph. 1	Contra Costa	MTC/SAFE	\$750,000	\$0	\$750,000
FPI - CC SR4 & SR242: Loveridge to Alhambra & I-680 to SR 4 Ph. 2	Contra Costa	Caltrans	\$11,800,000	\$0	\$11,800,000
FPI - Various Corridors Caltrans PE and Right of Way	Region-Wide	Caltrans	\$1,000,000	\$0	\$1,000,000
FPI - SCL US 101: SBT Co. Line to SR 85	Santa Clara	Caltrans	\$29,700,000	\$0	\$29,700,000
FPI - ALA I-580: SJ Co. Line to Vasco & Foothill to Crow Canyon	Alameda	Caltrans	\$0	\$11,000,000	\$11,000,000
FPI - SOL I-80: I-505 to Yolo Co. Line.	Solano	Caltrans	\$0	\$23,000,000	\$23,000,000
SUBTOTAL			\$43,250,000	\$34,000,000	\$77,250,000
3. FREEWAY PERFORMANCE INITIATIVE (FPI)			TOTAL: \$62,000,000	\$34,000,000	\$96,000,000
4. PAVEMENT MANAGEMENT PROGRAM (PMP)					
Pavement Management Program (PMP)	Region-Wide	MTC	\$1,200,000	\$0	\$1,200,000
Pavement Technical Advisory Program (PTAP)	Region-Wide	MTC	\$6,000,000	\$0	\$6,000,000
4. PAVEMENT MANAGEMENT PROGRAM (PMP)			TOTAL: \$7,200,000	\$0	\$7,200,000
5. PRIORITY DEVELOPMENT AREA (PDA) PLANNING AND IMPLEMENTATION					
Regional PDA Planning and Implementation					
PDA Planning - ABAG	Region-Wide	ABAG	\$2,000,000	\$0	\$2,000,000
Regional PDA Planning	Region-Wide	MTC	\$8,000,000	\$0	\$8,000,000
Transit Oriented Affordable Housing (TOAH)	Various	TBD	\$10,000,000	\$0	\$10,000,000
SUBTOTAL			\$20,000,000	\$0	\$20,000,000
Local PDA Planning					
Local PDA Planning - Alameda	Alameda	ACTC	\$3,905,000	\$0	\$3,905,000
Local PDA Planning - Contra Costa	Contra Costa	CCTA	\$2,745,000	\$0	\$2,745,000
Local PDA Planning - Marin	Marin	TAM	\$750,000	\$0	\$750,000
Local PDA Planning - Napa	Napa	NCTPA	\$750,000	\$0	\$750,000
Local PDA Planning - San Francisco	San Francisco	SF City/County	\$2,380,000	\$0	\$2,380,000
Local PDA Planning - San Mateo	San Mateo	SMCCAG	\$1,608,000	\$0	\$1,608,000
Local PDA Planning - Santa Clara	Santa Clara	VTA	\$5,349,000	\$0	\$5,349,000
Local PDA Planning - Solano	Solano	STA	\$1,066,000	\$0	\$1,066,000
Local PDA Planning - Sonoma	Sonoma	SCTA	\$1,447,000	\$0	\$1,447,000
SUBTOTAL			\$20,000,000	\$0	\$20,000,000
5. PRIORITY DEVELOPMENT AREA (PDA) PLANNING AND IMPLEMENTATION			TOTAL: \$40,000,000	\$0	\$40,000,000
6. CLIMATE INITIATIVES PROGRAM (CIP)					
Climate Strategies	TBD	TBD	\$14,000,000	\$6,000,000	\$20,000,000
6. CLIMATE INITIATIVES PROGRAM (CIP)			TOTAL: \$14,000,000	\$6,000,000	\$20,000,000
7. REGIONAL SAFE ROUTES TO SCHOOL (RSRTS)					
<i>Specific projects TBD by CMAs</i>					
RSRTS - Alameda County Safe Routes to School Program	Alameda	ACTC	\$4,293,000	\$0	\$4,293,000
RSRTS - Contra Costa	Contra Costa	CCTA	\$3,289,000	\$0	\$3,289,000
RSRTS - Marin	Marin	TAM	\$633,000	\$0	\$633,000
RSRTS - Napa	Napa	NCTPA	\$420,000	\$0	\$420,000
RSRTS - San Francisco	San Francisco	SFCTA	\$1,439,000	\$0	\$1,439,000
RSRTS - San Mateo County Safe Routes to School Program	San Mateo	SMCCAG	\$1,905,000	\$0	\$1,905,000
RSRTS - Santa Clara	Santa Clara	VTA	\$5,386,000	\$0	\$5,386,000
RSRTS - Solano	Solano	STA	\$1,256,000	\$0	\$1,256,000
RSRTS - Sonoma	Sonoma	SCTA	\$1,379,000	\$0	\$1,379,000

**Cycle 2
 Regional Programs Project List
 FY 2012-13 through FY 2015-16
 May 2013**

Regional Programs Project List

Project Category and Title	County	Implementing Agency	Total STP/CMAQ	Total Other RTIP/TAP/TFCA	Total Cycle 2
CYCLE 2 REGIONAL PROGRAMS			\$424,347,000	\$40,000,000	\$464,347,000
7. REGIONAL SAFE ROUTES TO SCHOOL (RSRTS)			TOTAL: \$20,000,000	\$0	\$20,000,000
8. TRANSIT CAPITAL REHABILITATION PROGRAM					
SolTrans - Preventive Maintenance	Solano	SolTrans	\$1,000,000	\$0	\$1,000,000
Transit Capital Rehabilitation					
<i>Specific Projects TBD by Commission</i>					
Clipper Fare Collection Equipment Replacement	Regional	MTC	\$9,994,633	\$0	\$9,994,633
SFMTA - New 60' Flyer Trolley Bus Replacement	San Francisco	SFMTA	\$15,502,261	\$0	\$15,502,261
VTA Preventive Maintenance (for vehicle replacement)	Santa Clara	VTA	\$3,349,722	\$0	\$3,349,722
Unanticipated Cost Reserve	TBD	TBD	\$2,000,000	\$0	\$2,000,000
Specific Transit Capital Rehabilitation Program projects - TBD	TBD	TBD	\$6,153,384	\$0	\$6,153,384
SUBTOTAL			\$37,000,000	\$0	\$37,000,000
Transit Performance Initiative (TPI) Incentive Program					
<i>Specific Projects TBD by Commission</i>					
TPI - AC Transit Spectrum Ridership Growth Project	Alameda	AC Transit	\$1,802,676	\$0	\$1,802,676
TPI - ACE Fare Collection Equipment Positive Train Control	Alameda	SJRR/ACE	\$22,575	\$0	\$22,575
TPI - Marin Transit Preventive Maintenance (for low income youth pass)	Marin	Marin Transit	\$99,289	\$0	\$99,289
TPI - BART Train Car Accident Repair	Regional	BART	\$1,493,189	\$0	\$1,493,189
TPI - BART 24th Street Train Control Upgrade	San Francisco	BART	\$2,000,000	\$0	\$2,000,000
TPI - SFMTA Preventive Maintenance (for low income youth pass)	San Francisco	SFMTA	\$1,600,000	\$0	\$1,600,000
TPI - SFMTA Light Rail Vehicle Rehabilitation	San Francisco	SFMTA	\$5,120,704	\$0	\$5,120,704
TPI - VTA Preventive Maintenance (for low income fare pilot)	Santa Clara	VTA	\$1,302,018	\$0	\$1,302,018
Specific Transit Performance Initiative Incentive Program projects - TBD	TBD	TBD	\$46,559,549	\$0	\$46,559,549
SUBTOTAL			\$60,000,000	\$0	\$60,000,000
Transit Performance Initiative (TPI) Investment Program					
<i>Specific Projects TBD by Commission</i>					
Specific Transit Performance Initiative Investment Program projects - TBD	TBD	TBD	\$52,000,000	\$0	\$52,000,000
SUBTOTAL			\$52,000,000	\$0	\$52,000,000
8. TRANSIT CAPITAL REHABILITATION PROGRAM			TOTAL: \$150,000,000	\$0	\$150,000,000
* ACE - Fare Collection Equipment - Conditioned on MTC staff determination of project consistency with regional fare policy--					
9. TRANSIT PERFORMANCE INITIATIVE (TPI)					
TPI - Capital Program					
AC Transit - Line 51 Corridor Speed Protection and Restoration	Alameda	AC Transit	\$10,515,624	\$0	\$10,515,624
SFMTA - Mission Mobility Maximization	San Francisco	SFMTA	\$5,383,109	\$0	\$5,383,109
SFMTA - N-Judah Mobility Maximization	San Francisco	SFMTA	\$5,383,860	\$0	\$5,383,860
SFMTA - Bus Stop Consolidation and Roadway Modifications	San Francisco	SFMTA	\$4,133,031	\$0	\$4,133,031
VTA - Light Rail Transit Signal Priority	Santa Clara	VTA	\$1,587,176	\$0	\$1,587,176
VTA - Stevens Creek - Limited 323 Transit Signal Priority	Santa Clara	VTA	\$712,888	\$0	\$712,888
Unprogrammed Transit Performance Initiative Reserve	TBD	TBD	\$2,284,312	\$0	\$2,284,312
SUBTOTAL			\$30,000,000	\$0	\$30,000,000
9. TRANSIT PERFORMANCE INITIATIVE (TPI)			TOTAL: \$30,000,000	\$0	\$30,000,000
10. PRIORITY CONSERVATION AREA (PCA)					
North Bay PCA Program					
<i>Specific projects TBD by North Bay CMAA</i>					
SUBTOTAL			\$5,000,000	\$0	\$5,000,000
Peninsula, Southern and Eastern Counties PCA Program					
<i>Specific projects TBD by Commission</i>					
SUBTOTAL			\$5,000,000	\$0	\$5,000,000
10. PRIORITY CONSERVATION AREA (PCA)			TOTAL: \$10,000,000	\$0	\$10,000,000
CYCLE 2 REGIONAL PROGRAMS TOTAL			TOTAL: \$424,347,000	\$40,000,000	\$464,347,000

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Cycle 2

OBAG Project List

FY 2012-13 through FY 2015-16

May 2013

OBAG Program Project List

Project Category and Title	Implementing Agency	Total STP/CMAQ	Total Other RTIP-TAP	Total Cycle 2
CYCLE 2 COUNTY OBAG PROGRAMMING		\$301,964,000	\$18,036,000	\$320,000,000
ALAMEDA COUNTY				
<i>Specific projects TBD by Alameda CMA</i>	TBD	\$50,233,000	\$3,726,000	\$53,959,000
CMA Base Planning Activities - Alameda	ACTC	\$3,836,000	\$0	\$3,836,000
CMA Planning Activities Augmentation - Alameda	ACTC	\$3,270,000	\$0	\$3,270,000
Alameda County Safe Routes to School Program	ACTC	\$2,000,000	\$0	\$2,000,000
ALAMEDA COUNTY	TOTAL:	\$59,339,000	\$3,726,000	\$63,065,000
CONTRA COSTA COUNTY				
<i>Specific projects TBD by Contra Costa CMA</i>	TBD	\$38,207,000	\$2,384,000	\$40,591,000
CMA Base Planning Activities - Contra Costa	CCTA	\$3,036,000	\$0	\$3,036,000
CMA Planning Activities Augmentation - Contra Costa	CCTA	\$1,164,000	\$0	\$1,164,000
Dornan Drive/Garrard Blvd Tunnel Rehabilitation*	Richmond	\$413,000	\$0	\$413,000
CONTRA COSTA COUNTY	TOTAL:	\$42,820,000	\$2,384,000	\$45,204,000
* Conditioned upon CCTA Board Action				
MARIN COUNTY				
<i>Specific projects TBD by Marin CMA</i>	TBD	\$4,730,000	\$707,000	\$5,437,000
CMA Base Planning Activities - Marin	TAM	\$2,673,000	\$0	\$2,673,000
CMA Planning Activities Augmentation - Marin	TAM	\$418,000	\$0	\$418,000
Central Marin Ferry Bike/Ped Connection	Marin County	\$1,500,000	\$0	\$1,500,000
MARIN COUNTY	TOTAL:	\$9,321,000	\$707,000	\$10,028,000
NAPA COUNTY				
<i>Specific projects TBD by Napa - NCTPA</i>	TBD	\$794,000	\$0	\$794,000
CMA Base Planning Activities - Napa	NCTPA	\$2,673,000	\$0	\$2,673,000
Eucalyptus Drive Complete Streets	American Canyon	\$723,000	\$431,000	\$1,154,000
Napa City North/South Bike Connection	Napa City	\$300,000	\$0	\$300,000
California Avenue Roundabout	Napa City	\$1,740,000	\$0	\$1,740,000
NAPA COUNTY	TOTAL:	\$6,230,000	\$431,000	\$6,661,000
SAN FRANCISCO COUNTY				
<i>Specific projects TBD by San Francisco CMA</i>	TBD	\$33,106,000	\$1,910,000	\$35,016,000
CMA Base Planning Activities - San Francisco	SFCTA	\$2,795,000	\$0	\$2,795,000
CMA Planning Activities Augmentation - San Francisco	SFCTA	\$773,000	\$0	\$773,000
SAN FRANCISCO COUNTY	TOTAL:	\$36,674,000	\$1,910,000	\$38,584,000
SAN MATEO COUNTY				
<i>Specific projects TBD by San Mateo CMA</i>	TBD	\$15,306,000	\$1,991,000	\$17,297,000
CMA Base Planning Activities - San Mateo	SMCCAG	\$2,673,000	\$0	\$2,673,000
CMA Planning Activities Augmentation - San Mateo	SMCCAG	\$672,000	\$0	\$672,000
US 101 / Broadway Interchange Bike/Ped Imps	Caltrans	\$3,613,000	\$0	\$3,613,000
Atherton/Fair Oaks/Middlefield Preservation	Atherton	\$285,000	\$0	\$285,000
San Pedro Creek Bridge Replacement Bike/Ped Imps	Pacifica	\$1,141,000	\$0	\$1,141,000
Pacifica Linda Mar Blvd Preservation	Pacifica	\$431,000	\$0	\$431,000
Crestview Drive Pavement Rehabilitation	San Carlos	\$412,000	\$0	\$412,000
SAN MATEO COUNTY	TOTAL:	\$24,533,000	\$1,991,000	\$26,524,000
SANTA CLARA COUNTY				
<i>Specific projects TBD by Santa Clara CMA</i>	TBD	\$67,776,000	\$4,350,000	\$72,126,000
CMA Base Planning Activities - Santa Clara	SCVTA	\$4,246,000	\$0	\$4,246,000
CMA Planning Activities Augmentation - Santa Clara	SCVTA	\$1,754,000	\$0	\$1,754,000
San Tomas Expressway Box Culvert Rehabilitation	Santa Clara County	\$10,000,000	\$0	\$10,000,000
SANTA CLARA COUNTY	TOTAL:	\$83,776,000	\$4,350,000	\$88,126,000
SOLANO COUNTY				
<i>Specific projects TBD by Solano CMA</i>	TBD	\$10,119,000	\$0	\$10,119,000
CMA Base Planning Activities - Solano	STA	\$2,673,000	\$0	\$2,673,000
CMA Planning Activities Augmentation - Solano	STA	\$333,000	\$0	\$333,000
West B Street Bicycle/Pedestrian RxR Undercrossing	Dixon	\$1,394,000	\$1,141,000	\$2,535,000
Solano County - Various Streets and Roads Preservation	Solano County	\$1,094,000	\$0	\$1,094,000
Vacaville - Various Streets and Roads Preservation	Vacaville	\$1,231,000	\$0	\$1,231,000

Attachment B-2

MTC Resolution No. 4035, Attachment B-2
 Adopted: 05/17/12-C
 Revised: 10/24/12-C
 12/19/12-C 01/23/13-C
 05/22/13-C

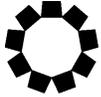
Cycle 2 OBAG Project List FY 2012-13 through FY 2015-16 May 2013

OBAG Program Project List

Project Category and Title	Implementing Agency	Total STP/CMAQ	Total Other RTIP-TAP	Total Cycle 2
CYCLE 2 COUNTY OBAG PROGRAMMING		\$301,964,000	\$18,036,000	\$320,000,000
Vallejo Downtown Streetscape - Phase 3	Vallejo	\$784,000	\$0	\$784,000
SOLANO COUNTY TOTAL:		\$17,628,000	\$1,141,000	\$18,769,000
SONOMA COUNTY				
<i>Specific projects TBD by Sonoma - SCTA</i>	TBD	\$12,370,000	\$1,396,000	\$13,766,000
CMA Base Planning Activities - Sonoma	SCTA	\$2,673,000	\$0	\$2,673,000
SMART Vehicle Purchase	SMART	\$6,600,000	\$0	\$6,600,000
SONOMA COUNTY TOTAL:		\$21,643,000	\$1,396,000	\$23,039,000
Cycle 2 Total		\$301,964,000	\$18,036,000	\$320,000,000

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Exhibit C



ABAG

PDA Planning Program CYCLE FIVE PROGRAM GUIDELINES



Program Description

The PDA Planning Program is an initiative to finance planning in Priority Development Areas (PDA) that will result in intensified land uses around public transit hubs and bus and rail corridors in the nine-county San Francisco Bay Area. The key goals of this program are to:

- (1) Increase both the housing supply, including affordable housing for low-income residents, and jobs within the planning area
- (2) By increasing land use intensities in the planning area, boost transit ridership and thereby reduce vehicle miles traveled (VMT) by PDA residents, employees and visitors
- (3) Increase walking, bicycling, carpooling and carsharing by effectively managing parking and driving while promoting multimodal connections for residents, employees and visitors within the PDA
- (4) Locate key services and retail within the planning area.

Grantees must address all PDA planning elements listed below under Planning Elements on page 3. If a precise or specific plan encompassing the PDA has been completed or amended within the last 10 years, select planning elements may be excluded from the planning process. An explanation of how these elements have been addressed must be included in the application.

Grantees successful in securing funding under Cycle Five of the PDA Planning Program will enter into funding agreements within six months of grant award by MTC (grant award expected June 27, 2012, funding agreements to be signed by December 31, 2012). The overall program is jointly managed by both MTC & ABAG.

Eligible Applicants

Local governments (cities and counties) are eligible for PDA planning funds. At a minimum, planning areas must be at least 100 acres, but could encompass up to 500 acres (e.g. half-mile radius around a transit station) or more. Local governments must partner with the transit providers serving the PDA, as well as the relevant county congestion management agency in order to receive funding. Partnerships with local non-profit groups and community-based organizations are also strongly encouraged.

Eligible planning areas include:

- Areas approved as planned or potential Priority Development Areas (PDAs) to the FOCUS program
- MTC Resolution 3434 station areas.

Note that some of the planning elements listed below (i.e. multimodal access and connectivity, parking demand analysis) should address the relationship between the identified planning area and key surrounding land uses outside of the planning boundaries.

Funding Details

Amount available: \$4,000,000
Type of Funds: Federal Surface Transportation Program*
Grant minimum: \$100,000
Grant maximum: \$750,000 – See chart below for specific award guidelines by place-type
Required local match: 20% - a local match of 20% of the total project budget is required and must be provided as a match. Only local funds can be used as a match – federal funds cannot be used.
Pre-Application workshop: February 29, 2012, 2:00pm
Application deadline: April 12th, 2012 @ 4pm
Planning timeframe: Plans *must be completed within 30 months* from the effective date of the funding agreement between the applicant and MTC.

Additional Match Information

- How to calculate match
 The match is based on *total project cost*, not the amount of the grant. For example - a jurisdiction with a \$550,000 planning project could apply for \$440,000 in grant funding (80% of \$550,000) with a \$110,000 match (20% of \$550,000).

- Can the match include staff costs?
 The grant and match can cover direct project costs, including staff and project management. Up to 10% of the total project cost could be spent on project management by the jurisdiction. Using the example above, with a \$550,000 planning project, up to \$55,000 could be spent on project management (but not required). If a jurisdiction is paying planning staff to manage the project, then this \$55,000 could be used as half of the required \$110,000 match.

- The match covers the span of the project timeframe, which is up to 30 months (2.5 years).

Jurisdictions must be prepared to comply with all federal contracting requirements associated with planning grant funds. Applicants can learn more about these requirements at the pre-application workshop scheduled on February 29, 2012.

Grant funding works on a reimbursement basis for agreed-upon deliverables associated with the scope of work for the project. The grant and match are to cover direct project costs, including staff and project oversight.

No more than 1/3 of the available funding in this cycle will be awarded to one jurisdiction. Jurisdictions with previously-awarded uncompleted Station Area Planning & Land Use grants must indicate available staff capacity to manage any new planning grants. Another call for applications is anticipated in January 2013.

Eligible Planning Activities

The PDA Planning Program provides financial support for planning processes that seek to increase (1) the housing supply, including affordable housing, (2) jobs and (3) transit ridership within PDAs by intensifying land uses around current or future transit stations or corridors within the planning area. Planning processes that have the greatest potential for resulting in real land use policy changes and new development will be the most competitive.

Specific plans—or an equivalent—are preferred due to the ability to conduct programmatic Environmental Impact Reports (EIRs) on the plan in order to facilitate the development process. EIRs are strongly recommended as part of the proposed planning process, although not required. However, there must be a strong implementation component for any planning process funded through this program, including agreement by the local jurisdiction to formally adopt the completed plan. Refer to the chart below for specific award guidelines by place-type. A description of development guidelines associated with each FOCUS Program place-type is found in Appendix 2.

Award Guidelines by Place-type

Place-type	Regional Center, City Center, Suburban Center, Urban Neighborhood	Transit Neighborhood, Transit Town Center, Mixed-Use Corridor, Employment Center	Rural Town Center, Rural Corridor
Award	<ul style="list-style-type: none"> ▪ Up to \$750,000 if both Specific Plan & EIR ▪ Up to \$400,000 if EIR only 	<ul style="list-style-type: none"> ▪ Up to \$500,000 if both Specific Plan & EIR ▪ Up to \$250,000 if EIR only 	Up to \$250,000
Outcome	Specific Plan and/or EIR	Specific Plan and/or EIR	Specific Plan and/or EIR

* For more information about Surface Transportation Program funds see <http://www.mtc.ca.gov/funding/STPCMAQ/>

Planning Elements

Plans funded under this program should address the Station Area Planning Principles outlined in the *Station Area Planning Manual* (http://www.mtc.ca.gov/planning/smart_growth/Station_Area_Planning_Manual_Nov07.pdf). At a minimum, plans should include the planning elements listed below.

As noted on page one, if a precise or specific plan encompassing the planning area has been completed or amended within the last 10 years, select planning elements from the list below may be excluded from the planning process. In that case, the applicant should outline the requested needs and explain how all remaining planning elements outlined below have been satisfied.

A detailed description of each planning element is included in **Appendix 1** to the application. Additional information is also found in the *Station Area Planning Manual* referenced above.

- (1) An *overview profile* of the planning area including demographic and socio-economic characteristics, transit/travel patterns and use, physical aspects of the PDA, as well as any known issues to be addressed in the planning process
- (2) A significant public *outreach and community involvement* process targeting traditionally under-served populations
- (3) The development of several detailed *land use alternatives*
- (4) A *market demand analysis* for housing at all levels of affordability, jobs and retail in the planning area
- (5) A *housing strategy* that promotes housing affordable to low-income residents and attempts *to minimize displacement* of existing residents
- (6) A multi-modal *access and connectivity* component
- (7) *Pedestrian-friendly design standards* for streets, buildings and open space
- (8) An *accessibility analysis* for people with disabilities that ensures fully accessible transit stations, paths of travel between stations and surrounding areas, and visitable and habitable housing units
- (9) A *parking analysis* to create a parking policy and management element that aims at reducing parking demand and supply through pricing, zoning, and support for alternative modes
- (10) An *infrastructure development analysis* and budget
- (11) An *implementation plan*, along with a financing strategy, to ensure that the plan will be adopted and all necessary supporting policies, zoning, and programs will be updated.

EVALUATION CRITERIA & APPLICATION PROCESS

PART ONE: Screening Criteria

- (a) Planning area is a planned or potential PDA under the FOCUS program or contains a Resolution 3434 transit station and is a minimum of 100 acres.
- (b) Applicant is partnering with relevant local transit providers serving planning area
- (c) Applicant has committed minimum local match amount (20% of total project cost)
- (d) Resolution from City Council supporting *EITHER*
 - a. the proposed planning process for Resolution 3434 station areas *OR*
 - b. the area as a Priority Development Area under the FOCUS program
- (e) Application is complete and responsive.

PART TWO: Evaluation Criteria (100 POINTS TOTAL)

1. Location within a Community of Concern (7 points)
Project area includes a Community of Concern as defined by MTC's Lifeline Transportation Program - see <http://geocommons.com/maps/110983>

2. Project Impact (25 points)

- (a) Potential to increase the following within the planning area:
 - Housing supply, particularly affordable housing for low-income residents
 - Employment, key services and retail
 - Transit ridership and multi-modal transportation options
- (b) If applicable, potential for the transit station and/or transit serving the station or planning area to be operational within 10 years
- (c) Selection of appropriate place-type and ability to meet associated development guidelines as found in Appendix 2.

3. Existing Policies (15 points)

- (a) Jurisdiction has demonstrated a commitment to provide an increase in housing and transportation choices demonstrated through existing policies, such as innovative parking policies, TOD zoning, transportation demand management strategies, existing citywide affordable housing policies and approved projects, supportive general plan policies, sustainability policies, including green building policies and alternative energy policies, etc.

4. Planning Process (23 points)

- (a) Potential for plan to address the planning elements described in Part 6 of the application based on Station Area Planning Principles in the *Station Area Planning Manual*. Narrative includes strong strategic approach to addressing all of the planning elements and highlights any local issues or conditions related to the elements, indicating how they may factor into the planning process. If any planning element(s) will not be included in plan because the jurisdiction has completed or updated a precise or specific plan in the last 10 years, applicant has demonstrated that policies, programs or analyses already exist that satisfy the intent of each element.

5. Local Commitment (15 points)

- (a) Planning process is ready to begin – the jurisdiction will be able to enter into a funding agreement with MTC by December 2012 following grant award in June 2012. City is prepared to see the plan through to implementation, including any associated updates to the jurisdiction's general plan and zoning code.
- (b) Demonstration of community, major property owner(s), City Council, relevant transit operator(s) and congestion management agency support for planning process (public involvement to date, letters of support, etc.).

6. Implementation (15 points)

- (a) Plan, related zoning changes and general plan amendments and EIR (if applicable) are intended for adoption by City Council or Board of Supervisors
- (b) Jurisdiction has plans to ensure that development proposals conform to both the plan and community expectations.

PART THREE: APPLICATION PROCESS

Step 1: Call for Applications issued in January 2012.

Step 2: Potential applicants attend a pre-application workshop on February 29, 2012 (2:00pm) at the MTC/ABAG offices (101 8th Street, Oakland, 94607)

Step 3: Applicants submit applications by deadline of April 12, 2012, 4:00PM

Step 4: Applications are evaluated using the criteria outlined above by a team consisting of regional agency and partner agency staff. *Staff reserves the right to screen applications prior to review by the evaluation panel if applications are incomplete or non-responsive to key elements of the program.*

Step 5: Based on the final recommendations of the evaluation team, and funding availability of the overall program, MTC's Executive Director will make a final funding recommendation to the Commission in June 2012.

Step 6: Following the Commission's approval, grant recipients will enter into a funding agreement with MTC within 6 months of the grant award and initiate the planning process.

Step 7: PDA Plans must be completed within 30 months from execution of the funding agreement. Planning funds not invoiced within 30 months will revert to the planning program.

Timeline Summary

Call for Applications Issued	January 2012
Pre-Application Workshop	February 29, 2012, 2pm
Submittal Due Date	April 12, 2012, 4pm
Review Process	April 16, 2012 – June 1, 2012
Draft Project List	June 6, 2012
Final Program of Projects	June 13, 2012 (MTC's Programming & Allocations Committee)
Commission Approval	June 27, 2012
Funding agreements signed with MTC	December 31, 2012
All work completed	June 30, 2015* * within 30 months of date of signed funding agreement

Applications for funding under the PDA Planning Program must be submitted in electronic format only. E-mail application materials to Therese Trivedi, PDA Planning Program Manager, at ttrivedi@mtc.ca.gov.

PRIORITY DEVELOPMENT AREA NORTHERN GATEWAY- BENICIA'S INDUSTRIAL PARK



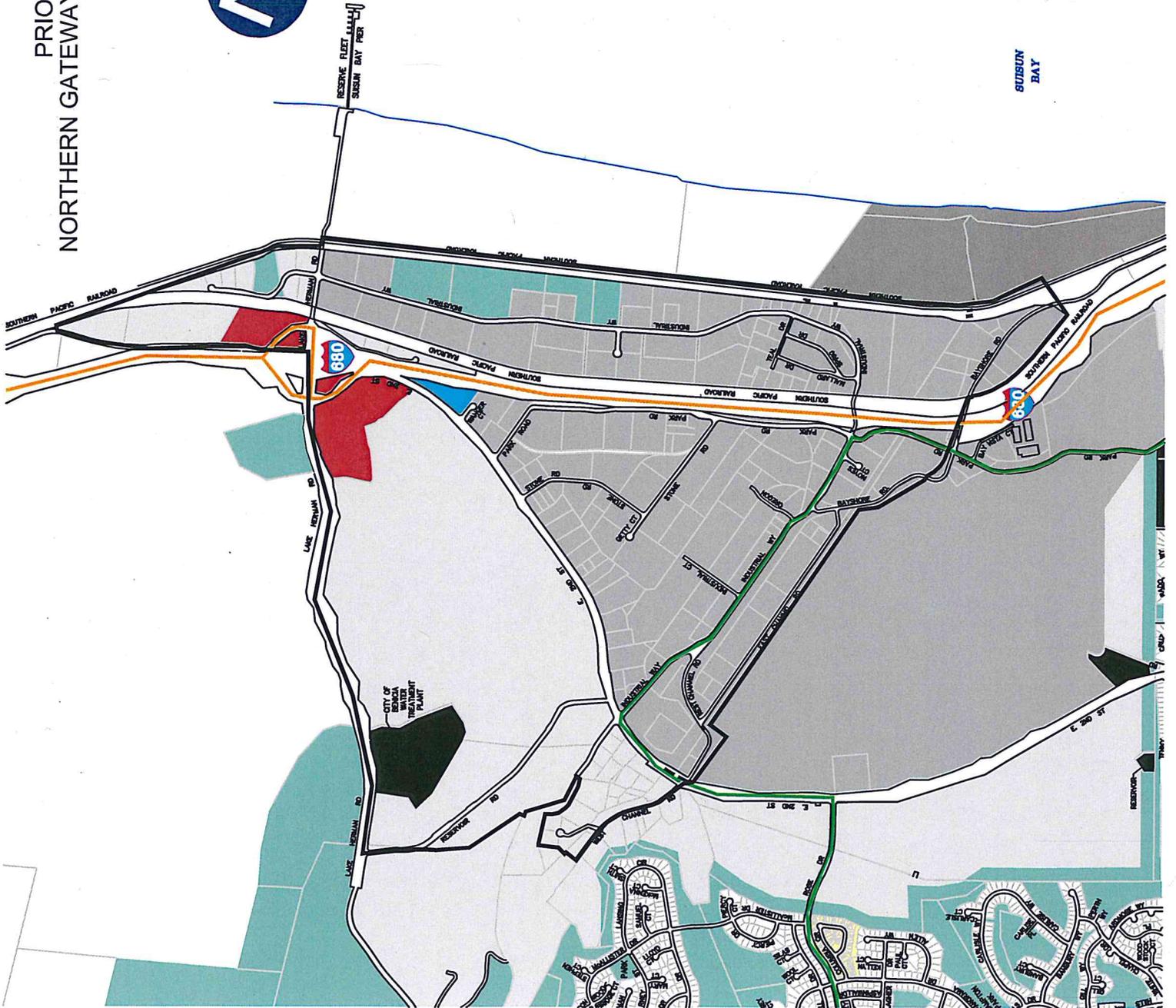
Graphic Scale in Feet

ZONING MAP LEGEND:

	OS	OPEN SPACE
	PS	PUBLIC & SEMI-PUBLIC
	RS	SINGLE FAMILY RESIDENTIAL • 0 - 7 DU/ACRE
	RM	MEDIUM DENSITY RESIDENTIAL • 8 - 14 DU/ACRE
	RH	HIGH DENSITY RESIDENTIAL • 15 - 21 DU/ACRE
	PD	PLANNED DEVELOPMENT
	CC	COMMUNITY COMMERCIAL
	CO	OFFICE COMMERCIAL
	CG	GENERAL COMMERCIAL
	CD	DOWNTOWN COMMERCIAL
	CW	WATERFRONT COMMERCIAL
	IL	LIMITED INDUSTRIAL
	IG	GENERAL INDUSTRIAL
	IW	WATER RELATED INDUSTRIAL
	IP	INDUSTRIAL PARK

GENERAL LEGEND:

	PROPOSED BOUNDARY
	LOT / PROPERTY LINE
	STREET / ROAD / HIGHWAY RIGHT-OF-WAY LINE
	SHORE LINE / EDGE OF WATER BODY
	NORTHEAST BENICIA CITY RIDE (ROUTE 22)
	FAIRFIELD/SUISUN TRANSIT SYSTEM SOLANO EXPRESS (ROUTE 40)



AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 7, 2014
BUSINESS ITEMS

DATE : December 17, 2013

TO : City Manager

FROM : Economic Development Manager

SUBJECT : **UPDATE ON BUSINESS RESOURCE INCENTIVE PROGRAM (BRIP)**
AND APPROVAL TO MODIFY FUNDING PARAMETERS

RECOMMENDATION:

Receive program update and approve, by motion, the proposed modification to program funding parameters.

EXECUTIVE SUMMARY:

Staff will provide an update on the BRIP program and request a modification to the funding parameters, transferring \$50,000 from the implementation component to the assessment component. This proposed modification was reviewed and unanimously approved by the Economic Development Board and Community Sustainability Commission in a joint meeting held on December 11, 2013.

BUDGET INFORMATION:

The total program budget is \$625,000. The program received an initial allocation of \$120,000 in fall of 2012. An additional allocation of funds was committed in April, 2013 in the amount of \$300,000. The remaining \$205,000 is now available.

GENERAL PLAN:

The overarching Goal of the General Plan is Sustainability. CAP Strategy EO-1.1 addresses the following General Plan goal:

Goal 3.27: Improve energy efficiency.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protect and Enhance the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #3: Pursue and adopt sustainable practices

- Strategic Issue 3: Strengthen Economic and Fiscal Conditions
 - Strategy #2: Strengthen Benicia Industrial Park Competitiveness
 - Strategy #3: Retain and Attract Business

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Principles, Objectives and Strategies:

Principle 3.GHG Reductions in Industrial and Commercial Sector. *“The City must actively engage the business community to work together to develop strategies that add value to the businesses through efficiency and infrastructure, while reducing greenhouse gas emissions”.*

- Focus Area: Energy Production
 - Objective E-2: Increase Amount of Renewable Energy in Benicia
 - Strategy E-2.4. Renewable Energy Fund
 - Strategy E-3.1. Encourage Parking Lot Solar PV Arrays
 - Strategy E-3.2. Solar Permit Fee Waiver
 - Strategy E-3.3. Promote California Solar Initiative and Other Applicable Incentive Programs
- Focus Area: Transportation + Land Use
 - Objective T-8: Reduce Reliance on Conventional Automobile Travel
 - Strategy T-8.1. Encourage Local Businesses to Use Alternative Fuels and Vehicles
- Focus Area: Industrial + Commercial
 - Objective IC-1: Reduce Energy Consumption in Industrial and Commercial Buildings 20% by 2020
 - Strategy IC 1.1. Build Audit and Efficiency Program
 - Objective IC-2: Increase Operational Efficiency 20% by 2020
 - Strategy IC 2.1. Promote Green Business Certification Program
- Focus Area: Water + Wastewater
 - Objective WW-1: Reduce the Amount of Water Consumed 20% by 2020
 - Strategy WW 1.4. Commercial Rainwater Collection
 - Strategy WW 1.7. Develop a Business Outreach Program
- Focus Area: Solid Waste
 - Objective SW-2: Commit to a Waste Diversion Goal of 75% for the Community
 - Strategy SW 2.2. Curbside Recycling for Industrial and Commercial Businesses
 - Strategy SW 2.4. Waste Audit Program

BACKGROUND:

On April 17, 2012 the City Council accepted the recommendation of the Community Sustainability Commission to fund the "Sustainable Management Program." This program is designed to implement the Business Development Action Plan by improving business profitability and reducing the consumption of energy, water, waste, fuel, and carbon emissions of businesses in the Benicia Industrial Park. After approval, it was rebranded the Business Resource Incentive Program (BRIP). It is funded with \$625,000 from the Valero/Good Neighbor Steering Committee Settlement Agreement.

The Economic Development Board and Community Sustainability Commission held a joint meeting on December 11, 2013 to hear an update on the Business Resource Incentive Program, discuss the program accomplishment and to consider a modification to the BRIP funding distribution. The EDB and CSC both unanimously voted to recommend that the City Council approve the modifications to the BRIP funding distribution. This proposed change transfers funding for BRIP assessments, increasing from \$100,000 to \$150,000. This will enable staff to assist an additional 5-7 businesses.

As mentioned previously, the total funding for BRIP is \$625,000. Of that total \$100,000 was allocated for BRIP Assessments. The remaining \$525,000 was allocated for program implementation. Exhibit A (attached) is a comprehensive summary of BRIP expenditures, financial commitments, accomplishments and leveraged resources to date. The following are the program highlights and accomplishment to date:

- 1) Number of BRIP Analyses completed: 15**
- 2) Number of Businesses that have completed BRIP projects: 7**
- 3) Number of Businesses that we expect to complete BRIP projects in the next 1-4 months: 6**
- 4) Number of Businesses in BRIP Analysis pipeline: 2**
- 5) Number of Businesses that completed BRIP Analyses but the identified projects did not meet program feasibility thresholds: 2**
- 6) Annual GHG emission reductions for completed projects: 58.37 metric tons of CO₂**
- 7) Annual business savings for completed projects: \$64,963**
- 8) Annual GHG emission reductions for next three businesses: 78.30 metric**

tons of CO2 (data for MRC, Gibbs, and Bebe is not yet available)

9) Annual business savings for next three projects: \$86,624 (data for MRC, Gibbs, and Bebe is not yet available)

At the current time, Economic Development staff has expended \$89,411 of the \$100,000 allocated for BRIP Assessments. The cost of BRIP Assessments varies depending on the complexity of business operations and how large a project a business is interested in. They have ranged from \$4,500 to \$10,000 per business. In several instances businesses were only interested in new lighting projects. In these cases a very reduced scope assessment was done by TEAA through their PG&E Third Party program. This approach enabled BRIP to leverage our financial resources with other programs.

Not every BRIP Assessment leads to a project. Although Economic Development staff view each project independently, we have established, with the assistance of the City's Sustainability Coordinator, Alex Porteshawver, funding guidelines. These guidelines help staff analyze the relationship between the savings to a business, the lifecycle of the proposed improvements and the reduction in GHG emissions. Some projects just do not make financial sense or a business decides that they are not ready to take on a project. To date, BRIP has funded 15 assessments. Staff determined that two did not meet our implementation guidelines and two assessments are currently underway.

However, with the current program funding distribution, \$100,000 for BRIP Assessments and \$525,000 for BRIP implementation projects, there is only funding available to do 1-2 additional assessments. As a result, staff recommended to the CSC and EDB to increase the BRIP Assessment allocation from \$100,000 to \$150,000, transferring the \$50,000 from the implementation component. With this proposed change, staff estimates that the program can accommodate 5-7 additional assessments. The proposed program modification will increase the ratio of assessment to implementation funding from 16% to 24%.

Recent Activity:

The following is a summary of completed projects:

Dunlop Manufacturing

- Modifications to an existing air compressor system that improved efficiency and reduced the operating costs of some 50 industrial machines in the main manufacturing plant.
- Project Cost: \$46,299. BRIP provided a \$10,000 grant. PG&E provided a rebate and "On Bill" financing totaling \$43,299.

- Projected Annual Cost Savings to Businesses: \$25,809/year.
- Projected Annual GHG Emission Reduction: 15.2 metric tons of CO₂/year attributable to project and 258 metric tons from the purchase of carbon credits.

All Points Petroleum

- New interior, exterior security lighting to reduce energy use and costs.
- Project Cost: \$10,000 which was reimbursed to the business as a grant.
- Projected Annual Savings to Business: \$3,500/year.
- Projected Annual GHG Emission Reduction: 4 metric tons of CO₂/year.

Suba Manufacturing

- New interior office and factory lighting to reduce energy use and costs.
- Project Cost: \$10,000 which was reimbursed to the business as a grant and included \$725.00 in PG&E rebates.
- Projected Annual Savings to Business: \$2,422/year.
- Projected Annual GHG Emission Reduction: 2.66 metric tons of CO₂/year attributable to the lighting project and 16.2 metric tons from the purchase of carbon credits.

Alfred Conhagen, Inc. of California

- New interior office and factory lighting to reduce energy use and improve the quality of lighting.
- Project Cost: \$12,898 of which PG&E provided \$977.00 in rebates. Conhagen utilized a \$10,000 grant to cover the majority of the project costs.
- Projected Annual Savings to Business \$ 9,698/year.
- Projected Annual GHG Emission Reduction: 11.22 metric tons of CO₂/year.

Signal Solutions

- New interior warehouse lighting and a 13.2 kw roof mounted solar photovoltaic system.
- Total Project Cost: \$\$58,746 including a \$10,000 BRIP grant and \$38,459 BRIP loan. Signal Solutions also received \$1,292.00 in PG&E rebates and will receive a federal income tax credit estimated to be approximately \$14, 543.
- Projected Annual Savings to Business: \$4,727/year.
- Projected Annual GHG Emission Reduction: 4.28 metric tons of CO2/year.

Cytosport

- New interior lighting in a portion of their manufacturing facility.
- Project cost: \$14,035. The project received \$ 9,362 in PG&E rebates and a BRIP grant of \$4,673.
- Projected Annual Savings to Businesses: \$11,124/year.
- Projected Annual GHG Emission Reduction: 13.07 metric tons of CO2/year.

Swan and Associates

- New interior office and factory lighting.
- Project cost: \$7,801. The project received \$5,643 in PG&E rebates and a BRIP grant of \$2,158.
- Projected Annual Savings to Business: \$7,683/year.
- Projected Annual GHG Emission Reduction: 7.88 metric tons of CO2/year.

Upcoming BRIP Projects

1) MRC – Proposed new lighting, ceiling insulation, energy efficient equipment, and low-flow plumbing fixtures. Estimated BRIP cost is \$35,000 and will be funded with a grant and loan to the property owner as part of a much larger tenant improvement project.

2) Ruszel Woodworks – Proposed new 17.3 kw roof mounted solar photovoltaic system. Estimated project cost is approximately \$ 72,000 and will be funded with a

BRIP grant of \$10,000 and loan of \$50,000. Business will be investing approximately \$12,000. Project will also be eligible for federal income tax credits.

3) Conco – Proposed new 260 kw roof mounted solar photovoltaic system. Estimated project cost is \$835,000 and will be funded with a BRIP grant of \$10,000 and a loan of \$50,000. Business will be investing \$785,000. Project will be eligible for federal income tax credits.

4) Specialty AC Products, Inc.: Proposed new energy efficient HVAC system, 10.12 kw roof mounted solar photovoltaic system, and water system modifications. The estimated project cost is \$63,000. The project cost will be funded with a BRIP grant. PG&E rebates business owner investment and federal income tax credits.

BRIP Assessments are underway for the following businesses:

- 1) Gibbs Plastic and Rubber
- 2) Bebe Distribution Center

The reader will note that two projects, Dunlop Manufacturing and Suba Manufacturing, include GHG emission reductions not only from BRIP projects, but from the purchase of carbon credits as well. Carbon Lighthouse, one of our BRIP Assessment consultants, offers the businesses they work with the opportunity to create a carbon neutral footprint. In order to do this, Carbon Lighthouse determines the total amount of GHG emissions attributable to a specific business operation as well as the GHG emission reductions attributable to the BRIP project. Carbon credits are purchased to offset the remaining GHG emissions enabling the business to be carbon neutral for a period of five years.

The BRIP has also benefitted greatly from our partnership with PG&E. PG&E staff identified the top 50 energy users in the Benicia Industrial Park, contacted those businesses with information regarding BRIP, and requested business visits. When possible, PG&E staff accompanies City staff on BRIP business visits. Additional business visits are planned for the coming months.

Staff recommends approval of the proposed modification to the Business Resource Incentive Program, increasing the funding for BRIP Assessments from \$100,000 to \$150,000 and decreasing program implementation from \$525,000 to \$475,000. This modification will enable staff to move forward with 5-7 additional BRIP assessments and projects and fully utilize the current funding available.

Attachment:

- BRIP Budget Spreadsheet

