

**3. Consent Agenda**

**A. Approval of September 8, 2011 TRANSPAC minutes**

**B. Approval of Revised and Restated Administrative Services Agreement between Pleasant Hill and TRANSPAC on behalf of TRANSPAC/TRANSPLAN TDM Program, doing business as 511 Contra Costa**



**TRANSPAC Meeting Summary Minutes**

**MEETING DATE:** September 8, 2011

**ELECTED OFFICIALS PRESENT:** Bill Shinn, Concord (Chair); Mark Ross, Martinez; Karen Mitchoff, Contra Costa County; Kristina Lawson, Walnut Creek

**PLANNING COMMISSIONERS PRESENT:** Bob Armstrong, Clayton; Diana Vavrek, Pleasant Hill; John Mercurio, Concord, Dave Powell, Walnut Creek

**STAFF PRESENT:** Ray Kuzbari, Concord; Jeremy Lochirco, Walnut Creek; Eric Hu, Pleasant Hill; Martin Engelmann, CCTA; Tim Tucker, Martinez; Jeremy Lochirco, Walnut Creek; Steve Goetz, Contra Costa County; Lynn Overcashier, Corinne Dutra-Roberts, 511 Contra Costa; Barbara Neustadter, TRANSPAC.

**PRESENTING GUESTS:** Gary Craft, Craft Consulting, Ross Chittenden, CCTA

**MINUTES PREPARED BY:** C. L. Peterson, TRANSPAC Staff

Chair Shinn convened the meeting at 9:00 a.m. with a quorum.

1. Pledge of Allegiance/Self introductions - Completed
2. Public Comment – None

**Consent Items**

3. Approval of the June 9 and July 14, 2011 minutes
4. Items discussed at the July 14, 2011 TRANSPAC meeting recommended for approval
  - A. Projects Proposed for Submission by TRANSPAC jurisdictions in response to the STIP Call for Projects.
  - B. Comments on the CCTA "Proposed By-Laws for Countywide Bicycle and Pedestrian Advisory Committee"

**ACTION:** Approved consent items. Mitchoff/Ross/Unanimous

**End Consent Agenda**

5. How is and what is the state of the economy? Will things get back to normal? What was normal? What is normal? Seems as though everything has changed, been rearranged, is definitely is different and YIKES! What is the New Normal?

Gary Craft of the Craft Consulting Group, and one of the Chairs of the Contra Costa Council Economic Development Task Force, gave a dynamic presentation on the New Normal and how it relates to

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TRANSPAC's mission. He provided an overview of past economic cycles and discussed how many of the economic drivers of the past have already peaked. The New Normal requires a shift in our world view in order to find solutions to today's problems such as low economic growth and high unemployment. Potential new growth drivers include export-oriented businesses, investment in infrastructure, innovation and entrepreneurship, clean technology and small business.

**ACTION: Report received**

#### **6. Express Lanes Update by Ross Chittenden, CCTA Deputy Director, Projects**

Mr. Chittenden gave a PowerPoint presentation on Express Lanes, and discussed CCTA's proposed letter of support for the Metropolitan Transportation Commission's (MTC) and Caltrans' application to the California Transportation Commission (CTC) regarding development of the Bay Area Express Lane Network. This matter is going to the Authority Board on September 21. CCTA is seeking input from each of the Regional Transportation Planning Committees (RTPCs) to determine support for the application. He noted that the SWAT and WCCTAC have forwarded comment letters (in the packet) with questions and concerns that will be addressed.

Mr. Chittenden explained that this project has been downsized from earlier plans to build an 800 mile HOV network. As traditional revenues, sales tax, and state and federal funding sources have decreased over the last few years, Express Lanes could become a new tool for innovative financing. Excess capacity in the HOV lanes, primarily on I-680 and with parts of I-80, can be turned into a revenue source by selling the extra space for a fee. Preliminary analysis shows some potential, but further studies are needed. MTC has developed a base case and a conservative case which look at different tolling options and HOV occupancy levels. With either case, both are self-financing and have a potential to generate additional revenue. The TRANSPAC area would benefit by being able to complete the gaps in Contra Costa County and leverage some of the net revenue to invest in other programs such as transit assistance or other capital projects. This application authorizes CCTA to work with Caltrans, MTC and CTC to determine the revenue potential.

Mr. Chittenden said that MTC is committed to working with Caltrans and CCTA to develop these policy decisions over the next three to four years. CCTA expects to have a strong involvement in the process. Stakeholders also will be involved as each segment of the network along the corridor is initiated. Support for this application was discussed at last week's Administration and Projects Committee meeting and was unanimously approved.

Responding to John Mercurio's question concerning potential weekend tolling, Mr. Chittenden said that this would be addressed during the policy discussions. There are a variety of options in both cases, including whole day tolling Monday through Friday or only during peak periods as well as weekends, which could have significant revenue potential.

Member Ross asked if these assumptions took into consideration the current price per gallon of gas. Mr. Chittenden replied that assumptions were based on a traffic forecast from the prior Regional Transportation Plan that recognized the existing economic downturn.

Steve Goetz asked if the capital costs involve projects built in Contra Costa. Mr. Chittenden said that it includes the cost to complete the southbound gap closure through Walnut Creek and includes finishing

northbound from North Main to the 242 split. There is the authority to build a connector through Walnut Creek northbound. He noted that in his letter to the Board (in the packet), the County's HOV system is more built out in percentage of total miles than Solano or Alameda. Although the financial analysis dictates taking the revenue to build the system first, we may see revenue earlier because the system is already built out.

Mr. Goetz asked if the debt service would be generated solely by tolling revenues. Mr. Chittenden answered that there would be a start up cost but the rest is self-financing. Bridge tolls are not included here but the segments that are toll-eligible could get built that way. CCTA and TRANSPAC are striving to be innovative with the SR4/I-680 interchange to get it included as part of the package. One of the benefits of collaborating with MTC is that there may be more leverage to complete the I-680 interchange.

Ms. Neustadter added that TRANSPAC has historically taken the position that completion of the southbound HOV lane has priority over the northbound HOV lane. TRANSPAC may not be inclined to be supportive unless it sees a direct benefit that closes this particular gap. Mr. Chittenden again referred to the draft letter which states that funding for the HOV lanes should not be redirected to express lanes. Southbound lanes under development now are using RM2 funds.

In response to questions from Member Mitchoff, Mr. Chittenden clarified that the location of the gap runs southbound North Main to the end of Walnut Creek. He said that construction involves building a new lane. One of the assumptions is that there will be no conversion of mixed flow lanes to HOT lanes.

Mr. Mercurio asked why the interchange didn't include an HOV lane when originally constructed. Mr. Engelmann said that Caltrans was confident that the SR24/I-680 interchange was designed so that it would always be free flow and an HOV lane wasn't necessary. However, the analysis did not assess the northbound queue back-up when traveling on southbound 680 through the interchange.

In response to a question from Ray Kuzbari concerning what the kind of challenges might be expected when creating the lanes, Mr. Chittenden said that a standard design with about a one-third mile area that doesn't require additional right-of-way would be used. It has a solid line where you can't cross and areas where weaves in and out are permitted, and there is no need for a large transition chute. Studies show that both designs have the same operational and safety impact.

Corinne Dutra-Roberts asked if the purpose of the Express Lanes was to reduce congestion and improve air quality or to generate additional revenue. Ms. Neustadter answered that its purpose is to generate revenue, not necessarily throughput. Mr. Chittenden added that it will help the long distance express buses and the additional revenue would close gaps for mobility improvements.

Ms. Neustadter said that occupancy is the key critical component. Both Central Contra Costa and Solano Counties are particularly concerned with the question of whether it makes sense to keep the occupancy at two when getting further out from the core, create a base over a period of time, and wait to increase the occupancy to three until there is additional development in those areas.

**ACTION: Voted to support of CCTA's letter of support for the MTC/Caltrans application to the CTC for the proposed Bay Area Express Lane "Backbone" Network. Mitchoff/Ross/Unanimous**

7. **TRANSPAC CCTA Representative Reports: Reports on the most recent CCTA Administration and Projects Committee (Member Pierce), Planning Committee (Member Durant), and CCTA meetings (Members Pierce and Durant)** Items approved by the Authority on July 20, 2011 for Circulation to the Regional Transportation Planning Committees (RTPCs), and items of interest; July 20, 2011 CCTA Executive Director's Report; June 15, 2011 CCTA meeting minutes were circulated with the packet.

a. Administration and Projects Committee (APC) meeting

In Member Pierce's absence, Ms. Neustadter reported that the APC approved actions including: an amendment to the agreement with PG&E for relocating utilities on SR4 from Somersville to SR160; the City of Martinez's request for an appropriation for Phase 3 of the Intermodal Station; a request for a Statement of Qualifications to establish an eligibility list for consultants on the SR4 widening project; the City of Clayton's request for appropriation of Measure J funds for the Marsh Creek project. APC received an annual report from the Program and Project Management consultant. The APC also approved authorization for the Authority Chair to sign a letter acknowledging the Authority's support of MTC's application to the CTC for the Bay Area Regional Express Lane Network, and approved authorization to enter into a Cooperative Agreement with BATA for Design and Construction of the SR 4/SR 160 connector ramps. The APC discussed recommendations from the TCC for the 2012 STIP project candidates. The APC received an update from PFM, the Authority's Financial Advisor, on the financial markets and the performance of the interest rate swap. The APC received a briefing from the Authority's auditor on the annual audit process.

b. Planning Committee (PC) meeting

In Member Durant's absence, Ms. Neustadter reported that actions taken by the PC included approval of: Growth Management Program Compliance Checklists for the Cities of Hercules, San Ramon, San Pablo and Oakley; the FY 2011-12 Congestion Mitigation Air Quality Funds to support the Countywide Transportation Demand Management Program provided by 511 Contra Costa; and the Measure J Expenditure Plan Amendment of Programs 19 and 20 for West County. The PC discussed MTC's Proposed Cycle-2 OneBayArea Grant Program. Member Mitchoff relayed the concerns about the OneBayArea grant program and TRANSPAC TCC representatives were requested via email to advise if there were any other issues that should be added to CCTA's comment letter to MTC. The PC approved authorization for the Authority Chair to sign a letter acknowledging the Authority's support of MTC's application to the CTC for the Bay Area Regional Express Lane Network; discussed the City of Pittsburg ECCRFFA GMP compliance issue; reviewed proposed CC-TLC and PBTf Call for Projects; and recommended approval of Cooperative Agreement 12.C.01 and Funding Resolution 11-33-G and allow CC-TLC funding to apply to work on the project done after PC approval on September 7, 2011. The PC received updates on BCDC's Proposed Bay Plan Amendment and SB 375/SCS Implementation.

**ACTION:** Information accepted

8. **SB 375/SCS Report by Martin Engelmann, CCTA Deputy Executive Director, Planning**

Mr. Engelmann reported that in August, the regional agencies came up three additional SCS alternatives: Constrained Core Concentration Growth, which is similar to the first two scenarios, but at a lower forecast; the Focused Growth Scenario, which focuses on Priority Development Areas; and the Outer Bay Area Growth Scenario which addresses higher levels of housing and jobs growth in the outer

Bay Area and which is the closest to what is reasonable and achievable. Mr. Engelmann noted that none of the modeled scenarios meet the reduction goal of 15% per capita in greenhouse gas emissions. He added that these alternatives will be discussed at the Planning Directors' meeting on October 12.

Member Ross thought that a better approach would be to target the things (cars) that cause emissions, because it's not about people. Mr. Engelmann replied that he's heard similar suggestions that it would likely be more effective than continually manipulating numbers in the model.

**ACTION: As determined**

## 9. 511 Contra Costa and TRANSPAC Staff Reports

a) **511 Contra Costa:** Ms. Dutra-Roberts reported 511 Contra Costa staff is in the midst of the SchoolPool transit ticket program which will close in two weeks. October 5 is International Walk to School Day, and staff is involved in reaching out to elementary schools in Central and East County to encourage their efforts to host a Walk to School Day. Martinez Jr. High is scheduled to participate in the Peace on the Streets: Ride On bicycle/pedestrian safety education program from October 10-14.

b) **TRANSPAC Report:** Ms. Neustadter reported that the East Bay Regional Park District (EBRPD) requested that the \$150,000 allocation for rehabilitation of a section of the Contra Costa Canal Trail from Tioga to Via Montanas be terminated. The request came about because the Contra Costa Water District insisted that the Park District make the repairs immediately, and given the short time frame, the Park District used its own money to complete the project. The allocation for the other project that was approved in June is still moving forward through the allocation process. The unused \$150,000 will remain in the EBRPD Measure J line item.

Ms. Neustadter reported that a Ramp Metering discussion has begun in East County. Ramp metering was studied and subsequently rejected by Central County a few years ago. TRANSPLAN is not yet moving forward with a Ramp Metering study. At the September 22 meeting, the TAC will consider whether TRANSPAC should partner with TRANSPLAN on this study, assuming it goes forward. Ray Kuzbari said he believes that the City of Concord is in support of considering the feasibility of joining East County in this effort, as ramp metering seems to be the trend of the future. Eric Hu said that the City of Pleasant Hill also would be open to looking at the feasibility. Ms. Neustadter added that ramp metering was included in the 2009 TRANSPAC Action Plan as a tool to consider in a multi-agency approach to improve freeway flow.

Jeremy Lochirco asked about the scope of the ramp metering project. Mr. Chittenden said that the discussion now focuses on SR 4 from East County through Concord and Martinez and 242. I-680 is not part of the discussion, but it could be added. Mr. Kuzbari said that when we consider Highway 4 through Central County, we should look at ramp metering as a partner in a bigger solution to achieve capacity improvements.

**ACTION: Reports received**

**10. TAC Reports by Jurisdiction:**

Martinez – Tim Tucker reported that the City approved a consultant agreement for the Intermodal Facility Phase 3 Parking Lot and for the Court Street Overcrossing study.

Pleasant Hill – Eric Hu reported that the Lisa Lane project would be completed in two to three weeks. The Oak Park/Patterson project is also in construction. Signal poles will be delivered at the end of October, and the project will be completed in November.

Walnut Creek – Jeremy Lochirco announced that Walnut Creek has adopted its first bike plan.

**ACTION: Information received**

**11. Correspondence/Copies/Newsclips/Information**

**ACTION: Information received**

**12. For the Good of the Order**

Mr. Armstrong expressed a strong difference of opinion with the points made in The New Normal presentation, especially pertaining to the way it eliminated the business cycle and minimized the growth of government without recognizing that the size of government is not as important as how it spends our money.

Ms. Dutra-Roberts said that she recently visited the newly opened Rankin Aquatic Center in Martinez and was impressed by how beautiful the water pool park turned out.

**ACTION: None required**

**13.** The meeting was adjourned at 11:06 a.m. The next meeting is scheduled for October 13, 2011 at 9 a.m. in the Community Room at Pleasant Hill City Hall unless otherwise determined.



REVISED AND RESTATED AGREEMENT BETWEEN CITY OF PLEASANT HILL  
AND TRANSPAC ON BEHALF OF TRANSPAC/TRANSPLAN TDM (DOING  
BUSINESS AS 511 CONTRA COSTA) FOR ADMINISTRATIVE SERVICES

This Revised and Restated Agreement is entered into between the City of Pleasant Hill ("City") and TRANSPAC on behalf of TRANSPAC/TRANSPLAN TDM (doing business as 511 Contra Costa) effective November 1, 2011 ("Effective Date").

RECITALS

A. TRANSPAC is the Regional Transportation Planning Committee for Central Contra Costa County and has been designated by Central and East County local jurisdictions to implement a Transportation Demand Management Program required to assure compliance with the voter-approved (J-04) Revised Contra Costa Transportation Improvement and Growth Management Program.

B. TRANSPAC approves and oversees the functions of the TRANSPAC/TRANSPLAN TDM program which is funded by Measure C funds through the Contra Costa Transportation Authority, Transportation Fund for Clean Air monies from the Bay Area Air Quality Management District as well as funds from other sources. Therefore, TRANSPAC has the authority to enter into agreements on behalf of TRANSPAC/TRANSPLAN TDM.

C. TRANSPAC's designated city for financial and administrative purposes is the City of Pleasant Hill.

D. TRANSPAC/TRANSPLAN TDM program staff doing business as 511 Contra Costa are employees of the City of Pleasant Hill subject to TRANSPAC policy direction. The City processes payroll for TRANSPAC/TRANSPLAN TDM and provides other administrative services for TRANSPAC/TRANSPLAN TDM. In addition, TRANSPAC/TRANSPLAN TDM staff receive employment benefits commensurate with City employees.

E. TRANSPAC/TRANSPLAN TDM offices are not located within the City's City Hall but they desire to have the City provide certain administrative services.

F. The City currently provides the following financial services to TRANSPAC/TRANSPLAN TDM: payroll, accounts payable, accounts receivable, accounting and reporting. In addition, the City provides legal services, employee benefits management and some insurance coverage to TRANSPAC/TRANSPLAN TDM.

G. The TRANSPAC Manager has decided to occupy an office within City Hall and will be paying rent to the City for the use of space within City Hall subject to the terms of this Agreement.

H. The purpose of this Agreement is to set forth the agreed-upon terms for the provision of these various administrative services.

### AGREEMENT

1. **Summary of Costs of Services Provided to TRANSPAC/TRANSPLAN TDM by City.**

Services Provided	Basis for Charge	Charge to TRANSPAC/TRANSPLAN TDM
Payroll	2% of Gross Payroll (includes salary and all benefits including workers' compensation insurance)	\$612 per month
Accounting, Accounts Payable and Receivable, Legal Services	Accounting = 2 hours per month Accounts Payable and Receivable = 8 hours per month Legal Services = 1 hour per month	\$493 per month
Liability Insurance	Based on actual payroll	\$686.50 per month
Lost Interest	See paragraph 4 below	If any
Office Space Rent	\$2.70 per square feet for 165 square feet of space	\$445.50
<b>TOTAL ESTIMATED MONTHLY CHARGE</b>		<b>\$2,237</b>

2. **TRANSPAC/TRANSPLAN TDM Payment Obligations.** The City and TRANSPAC/TRANSPLAN TDM agree that TRANSPAC/TRANSPLAN TDM shall pay the City the amounts identified above for the office space rent, payroll, accounting, accounts payable and receivable, and legal services provided by the City. The monthly fee will be deducted from TRANSPAC/TRANSPLAN TDM's funds by way of a monthly journal entry. City will notify TRANSPAC/TRANSPLAN TDM of the entry in writing on a monthly basis.

In addition, TRANSPAC/TRANSPLAN TDM shall pay for liability insurance based on actual payroll. A charge for liability insurance will only be imposed when and if the City no longer has a credit for the full amount of the insurance premium. If imposed, the rate for insurance shall be based on actual payroll in the same manner that

the City pays for liability insurance premiums for all other City employees. Notification that a charge will be imposed for liability insurance costs in the next fiscal year will be provided to TRANSPAC/TRANSPLAN TDM as soon as it is available.

3. **Adjustment of Fees.** The monthly fee will be adjusted on July 1 of each year by the 12-month change in the Consumer Price Index (CPI) published for October of the previous year by the U.S. Department of Labor, Bureau of Labor Statistics, for the San Francisco-Oakland-San Jose area. The City shall provide the October CPI information to TRANSPAC/TRANSPLAN TDM as soon as it is available so that TRANSPAC/TRANSPLAN TDM has the information available for the preparation of their budget in December for the next fiscal year.

4. **TRANSPAC/TRANSPLAN TDM Obligations Regarding Lost Interest.** The City processes payroll and invoices for TRANSPAC/TRANSPLAN TDM. TRANSPAC/TRANSPLAN TDM prepares a reimbursement request for the Finance Director's signature which is submitted by TRANSPAC/TRANSPLAN TDM to the Contra Costa Transportation Authority ("CCTA") for reimbursement. There is a time lag between the City's outlay of funds and its receipt of reimbursement which results in lost interest earnings to the City. For fiscal year 2001/2002 ending June 30, 2002, the lost interest earnings to the City's general fund were \$3,600. To compensate the City for the lost interest earnings, TRANSPAC/TRANSPLAN TDM agrees to reimburse the City for the actual interest earnings lost on a quarterly basis. City agrees that the Finance Director or his designee will sign the reimbursement request as soon as possible after its receipt. To expedite TRANSPAC/TRANSPLAN TDM's submission of a reimbursement request to CCTA, City (Finance Department) agrees to provide the Monthly Budget Status Report to TRANSPAC/TRANSPLAN TDM within one week of its receipt of the Payroll Detail Report from the City's Payroll Technician. Substantial compliance with these timelines will be reviewed at the end of each fiscal year and appropriate accommodations or remedies will be considered at that time. City and TRANSPAC/TRANSPLAN TDM agree to use their best efforts to minimize the lost interest.

5. **City Obligations.** City agrees to provide monthly financial reports to the TRANSPAC Manager and TRANSPAC/TRANSPLAN TDM Program Manager. City further agrees to obtain the approval of the TRANSPAC/TRANSPLAN TDM Program Manager prior to making any adjustments to TRANSPAC/TRANSPLAN TDM accounts.

6. **Termination.** This Agreement may be terminated by either party without cause upon ninety (90) days written notice.

7. **Written Notices.** Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent prepaid, first class mail. Notice may be served by e-mail to the TRANSPAC/TRANSPLAN TDM Program Manager, Lynn Overcashier, at [lynn@511contracosta.org](mailto:lynn@511contracosta.org), in addition to delivery pursuant to this section. Any such notice, demand, etc. shall be addressed to the other party at the address set forth herein below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City:                   City Manager  
                                  City of Pleasant Hill  
                                  100 Gregory Lane  
                                  Pleasant Hill, CA 94523-3323

If to TRANSPAC/TRANSPLAN TDM:

                                  TRANSPAC/TRANSPLAN  
                                  TDM Program Manager  
                                  100 Gregory Lane  
                                  Pleasant Hill, CA 94523

8.     **Controlling Law Venue.** This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Contra Costa, Martinez, California.

9.     **Entire Agreement.** This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement.

10.    **Amendments.** This Agreement may be modified or amended only by a written document executed by both parties and approved as to form by the City Attorney and, if necessary and desired by TRANSPAC, an attorney for TRANSPAC.

11.    **Waiver.** No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder.

12.    **Litigation Expenses and Attorneys' Fees.** If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the Effective Date set forth above.

CITY OF PLEASANT HILL:

TRANSPAC on behalf of  
TRANSPAC/TRANSPLAN TDM;

\_\_\_\_\_  
June Catalano  
City Manager

\_\_\_\_\_  
TRANSPAC Chair

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Debra S. Margolis  
City Attorney

\_\_\_\_\_  
Marty McInturf  
City Clerk

