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COMMISSIONERS: *Robert Taylor, Chair*    *David Durant, Vice Chair*    *Janet Abelson*    *Newell Arnerich*    *Ed Balico*  
*Susan Bonilla*    *Federal Glover*    *Jim Frazier*    *Mike Melcalf*    *Julie Pierce*    *Maria Viramontes*

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TO:            Barbara Neustadter, TRANSPAC            Christina Atienza, WCCTAC  
                  Andy Dillard, SWAT                            Jaimee Bourgois, TVTC  
                  John Cunningham, TRANSPLAN           Leah Greenblat, LPMC/SWAT (TAC)

FROM:        Paul Maxwell, Interim Executive Director 

DATE:        February 18, 2010

SUBJECT:    **Items approved by the Authority on February 17, 2010, for circulation to the Regional Transportation Planning Committees (RTPCs), and items of interest**

At its February 17, 2010 meeting, the Authority discussed the following items, which may be of interest to the Regional Transportation Planning Committees:

1. **Election of Chair and Vice Chair for 2010.** *The Authority elected Commissioner Robert Taylor as Chair, and Commissioner David Durant as Vice Chair.*
2. **Jobs for Main Street Act (Stimulus II) – Proposed List of Projects.** *The Authority approved a list of projects to be submitted to MTC as Contra Costa's proposal for the anticipated "Jobs for Main Street" Act. The Authority approved Resolution No. 10-07-P for programming of Stimulus II funds.*
3. **Appointment of Authority's Representative to the California Association of Councils of Government (CALCOG).** *The Authority appointed Julie Pierce as its delegate to CALCOG, and Robert Taylor as the Alternate.*
4. **Authorization to Issue RFQ 10-2 for Public Opinion Polling Services.** *The Authority authorized staff to issue RFP #10-2, and approved an expenditure of up to \$40,000 for a public opinion poll to explore the feasibility of placing a vehicle registration fee proposal on the ballot pursuant to SB 83.*
5. **Authorization to Enter Into a Lease Agreement with SVF Oak Road Walnut Creek for Authority Offices.** *In September the APC appointed a subcommittee to begin a process of evaluating alternatives to house the Authority's administrative offices. The Authority directed staff to enter final negotiations with Cornish & Carey Commercial, and authorized the Executive Director to execute a lease agreement with SVF Oak Road Walnut Creek within the parameters of the proposal reviewed by the Authority.*
6. **Bid Opening for the Route 4 Loveridge Road Interchange Project:** *On February 10, 2010 Caltrans opened 12 bids on this major interchange reconstruction project, reflecting the current very competitive construction bidding climate. The apparent low bid of \$64,937.452 was submitted by O.C. Jones & Sons, Inc., 30% below the engineer's estimate, which is very good news for the balance of the corridor improvements.*



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*Susan Bonilla*   *David Durant*   *Jim Frazier*   *Federal Glover*   *Mike Metcalf*   *Julie Pierce*

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## EXECUTIVE DIRECTOR'S REPORT February 17, 2010

### **Caldecott Fourth Bore Groundbreaking: *January 22, 2010***

More than 150 guests attended the Groundbreaking on January 22, taking advantage of a fortunate break in the weather! Chair Viramontes spoke on behalf of the Authority, and Commissioner Worth was the Mistress of Ceremonies. Congressman Garamendi, Senator DeSaulnier and Assemblywoman Skinner also made comments. Commissioners Frazier, Glover, Metcalf, Pierce and Taylor also attended.

### **CALCOG Meeting, Sacramento: *January 25, 2010***

Arielle Bourgart attended the monthly CALCOG meeting. This particular group has recently amended its by-laws to provide a voting delegate position for member agencies such as the Authority. The Authority may appoint a representative and an alternate.

### **CMA Executive Directors Meeting: *January 29, 2010***

Along with the other CMA Directors, I attended our quarterly meeting with MTC Executive Director Steve Heminger on January 29. Topics included improving communication between MTC staff and the CMAs, a discussion of the status of HOT lane legislation as well as the upcoming transit sustainability study.

### **Contra Costa Council Transportation Committee: *February 2, 2010***

Arielle Bourgart and I attended the Contra Council's Transportation Committee meeting on February 2. The primary agenda item was a presentation by Contra Costa County Director of Public Works, Julie Bueren, on the status of County's local road system.

### **Bid Opening for the Route 4 Loveridge Road Interchange Project: *February 10, 2010***

Caltrans opened 12 bids on this major interchange reconstruction project, reflecting the current very competitive construction bidding climate. The apparent low bid of approximately \$65 million is 29% below the engineer's estimate, which is very good news for the corridor improvements. Authority staff has managed the design of the project, and our consultant construction management team will provide assistance to Caltrans during the construction phase.

### **Contra Costa Transit Operators Meeting: *February 11, 2010***

Peter Engel joined MTC representatives Worth and Glover in a meeting with Contra Costa transit operators to explore how best to participate and influence MTC's transit sustainability study. Because a transit consolidation/restructuring recommendation is one potential outcome, effective representation of Contra Costa operators is important.

**Executive Director Recruitment:** The recruitment is well underway. With the assistance of the Roberts Consulting Group, the Authority's *ad-hoc* committee has identified a short list of candidates to be interviewed by the entire Board at a Special Meeting set for Wednesday March 3, 2010.



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**SUMMARY MINUTES  
 January 20, 2010**

- Commissioners Present:** Janet Abelson, Ed Balico, Susan Bonilla, David Durant, Jim Frazier, Federal Glover, Mike Metcalf, Julie Pierce, Robert Taylor, Maria Viramontes
- Commissioners Absent:** Newell Arnerich
- Alternates Present:** Dave Hudson for Newell Arnerich
- Ex-Officios Present:** Joel Keller, Bob Simmons, Amy Worth
- Staff Present:** Paul Maxwell, Brad Beck, Martin Engelmann, Amin AbuAmara, Arielle Bourgart, Randall Carlton, Erick Cheung, Peter Engel, Jack Hall, Matt Kelly, Susan Miller, Hisham Noeimi, Stan Taylor (Authority Counsel), Diane Bodon for Danice Rosenbohm (Executive Secretary)

**A. CONVENING MEETING:** Chair Viramontes convened the meeting at 6:05p.m, announcing that the Authority meeting would reconvene following a Closed Session conference with Authority Counsel regarding anticipated litigation. The meeting reconvened following the Closed Session at 6:55p.m.

Chair Viramontes welcomed Jim Frazier, who had recently been appointed to the Authority by TRANSPLAN as Commissioner, to fulfill the remainder of Michael Kee's term.

**B. PLEDGE OF ALLEGIANCE:**

**C. REPORT FROM CLOSED SESSION:**

Paul Maxwell, Interim Executive Director stated that the Board had directed Authority Counsel to prepare a letter of response to the questions raised by Save Mount Diablo.

**D. PUBLIC COMMENT:** There were no public comments on items not on the agenda.

**E. APPROVAL OF MINUTES:** Authority Meeting Minutes of December 16, 2009.

**ACTION:** Commissioner Abelson moved to approve the Authority Minutes of December 16, 2009, seconded by Commissioner Balico. The motion passed unanimously, 11-0.

**F. CONSENT CALENDAR:** Consent Items recommended by the following committees:

**ACTION:** Commissioner Abelson moved to approve the Consent Calendar, seconded by Commissioner Glover. The motion passed unanimously, 11-0.

**2.A Administration & Projects Committee:** (Because the Administration and Projects Committee did not meet in January (as noted by *Commissioner Pierce*), the following items were forwarded directly to the Authority.)

**2.A.1 Monthly Project Status Report.**

**2.A.2 Monthly Accounts Payable Invoice Report for November 2009.** This report also includes the summary of payroll and benefits costs by organizational unit.

**2.A.3 Monthly Investment Report for November 2009.** The Authority's Investment Policy requires this report.

**2.A.4 Modifications to Existing Resolutions.** Consistent with Authority policy, appropriation resolutions may be modified to extend their expiration date or reflect actual construction bid amounts, or be terminated if the activity that was funded has been completed. Recommended changes are summarized.

**2.A.5 Quarterly Sales Tax Revenues and Investments Report for the Quarter Ended December 31, 2009.** This is presented in accordance with regulations and the Authority's Investment Policy, which requires that the Chief Financial Officer provide an analysis of the Authority's portfolio including composition, credit quality, maturity distribution, and an analysis of sales tax revenues.

**2.A.6 Amendment No. 5 to Contract No. 243 with Endsight for the Continuation of Information Technology Services.** In November 2007 the Authority awarded a contract with Endsight as an outsourcing solution to support the Authority's network servers, desktop computers, laptops, firewall, backup and disaster recovery systems. The contract is a fixed unit price contract, based on the number of network servers, desktop computers and backup volume stored by Endsight. The proposed Amendment No. 5 is the third year renewal of a three year contract. There are no changes to the pricing structure or rates from the original contract

**2.A.7 Bay Area Rapid Transit (BART) Request for Appropriation of Funds for Station Access Improvements.** BART is requesting four appropriations for a total of \$5,507,000 for Design and Construction of Wayfinding Systems and Bicycle Storage Facilities at four Central County and three West County BART stations. Resolutions No. 10-2-P; 10-3-P; 10-4-P; 10-5-P

**2.B Planning Committee:**

**2.B.1 Approval to Distribute the Final Measure C and Initial Measure J Calendar Year (CY) 2008 & 2009 Growth Management Program (GMP) Compliance Checklist for Allocation of Fiscal Year (FY) 2009-10 and 2010-11 Local Street Maintenance and Improvement Funds.** Staff has prepared the final Measure C and Initial Measure J CY 2008 & 2009 GMP Checklist for release to local jurisdictions in January 2010. Jurisdictions will have until June 30, 2011 to submit the checklist, which covers payment of Measure C Local Street Maintenance and Improvement (LSM) Funds for FY 2009-10 and FY 2010-11 available after July 1, 2011.

**End of Consent Calendar**

**3.0 MAJOR DISCUSSION ITEMS:** None

**4.0 REGULAR AGENDA ITEMS:**

**4.A Administration & Projects Committee:**

4.A.8 **Legislation.** Action may be taken on any item listed or on any legislation pertaining to the Authority's legislative program.

**STAFF REPORT:**

*Arielle Bourgart, Director of Government and Community Relations*, stated that the Governor's proposed 2010-11 Budget included spending reductions and other measures intended to replenish the General Fund, including a proposed shift in the funds directed to transportation. She explained that the proposal would also eliminate the State sales tax on gasoline that currently funds the STIP, local streets and roads, and the Public Transportation Account, eliminate state sales tax on diesel fuel that currently funds public transit, and also the State sales tax on a portion of the excise tax on gasoline that also funds transit.

To partially offset the loss of funds, Ms. Bourgart said that an excise tax increase of 10.8 cents per gallon would generate approximately \$1.9 billion, reducing the Prop 98 guarantee by approximately \$800 million, representing a General Fund savings of approximately \$1.8 billion.

Ms. Bourgart highlighted the impacts of the "swap" on transportation funds, explaining that the sales tax on gasoline and diesel fuel, the sales tax on a portion of the existing excise tax and the "spillover" would all go away. She also noted that the ¼ cent Transportation Development Act sales tax would remain.

Ms. Bourgart stated that while Article XIX provided some protection that the excise taxes would have to be used for transportation, they still could be borrowed to backfill the General Fund, at no interest, and without limitation on the timing or number of times the borrowing could take place. She also noted that excise tax revenues could not be used for transit operations or rolling stock.

Ms. Bourgart said that staff would continue to work with transit associations, transit agencies, and State legislators toward developing a better solution that would still bring budget relief.

Ms. Bourgart stated that on December 16<sup>th</sup> the House of Representatives passed a Jobs for Main Street Act, also known as STIM-2, providing \$48 billion in new infrastructure funding, of which \$37.3 billion would be for transportation projects. She said that although funding levels and the general provisions of the bill were comparable to last year's stimulus legislation, the bill was expected to go through significant changes in the Senate.

She also stated that MTC had begun to develop a policy framework and a programming proposal, and that the Bay Area CMAAs had been asked to prepare prioritized lists of local streets and roads projects for submittal using the funding levels made available in the last stimulus bill, and a list of bicycle and pedestrian projects should the final bill contain funding for those types of projects. Proposed projects should have NEPA clearance or be exempt, and would need to be implemented quickly, with project sponsors ready to enter into contracts for 50% of the funds within 90 days and the remainder within one year.

Paul Maxwell noted that the Authority's preliminary list had been submitted to MTC and that it would be reviewed by the Technical Coordinating Committee (TCC) on January 21<sup>st</sup>, and submitted to the Administration and Projects Committee (APC) for approval in February.

Ms. Bourgart also mentioned that AB 744 – the HOT Lanes Bill – on which the Authority had taken a support position, was on hold due to issues that needed to be sorted out with labor and the environmental community. She said that Authority staff would be meeting with the Authority's MTC representatives regarding the impacts of AB 744 on the Authority, and that the APC would be updated.

Ms. Bourgart stated that SB 83, which would allow the Authority, as the Congestion Management Agency, to place a measure on Contra Costa County's ballot authorizing a vehicle registration fee of up

to \$10 for transportation-related congestion relief and environmental mitigation projects and programs, would also be discussed at an upcoming APC meeting. She noted that Alameda and San Francisco Counties had engaged the services of consultants and a polling firm to assist in the development of expenditure plans for potential November ballot measures.

*Commissioner Pierce* said that SB 83 would be discussed by the League of California Cities meeting of January 21<sup>st</sup>, noting that the legislative analyst's review of the proposed legislation was well written.

#### **4.B. Planning Committee:**

**4.B.2 The Authority's Measure J Urban Limit Line Requirement: Policy Response to Questions Raised by Save Mount Diablo.** In its letter of November 12, 2009 to the Authority, *Save Mount Diablo* raised three questions regarding local jurisdiction compliance with the Measure J Urban Limit Line (ULL) requirement: 1) Is a discretionary act by a jurisdiction to approve or serve a development outside of the urban limit line that requires urban services such as water and sewer, a violation of the urban limit line and of Measure J? 2) Is this project (*the proposed "New Farm" development in the Tassajara Valley*), requiring urban services, a violation of the urban limit line and of Measure J? and 3) Is a Sphere of Influence expansion outside of an urban limit line, a violation of the urban limit line and of Measure J?

*Save Mount Diablo* requested clarification regarding the specific circumstances outlined above. However, the request raises broader issues concerning compliance that warrant a more comprehensive discussion of the intent of the ULL requirement, and the scope and nature of the Authority's policies and procedures for assessing a local jurisdiction's eligibility for Measure J funding. The Authority may need to further refine and clarify its ULL assessment process and criteria in order to carry out the intent of Measure J.

**ACTION:** *Commissioner Pierce* moved to defer action on the consideration of additional ULL processes and criteria until the full Measure J GMP Implementation Documents were brought before the Planning Committee in Spring 2010, seconded by *Commissioner Glover*. The motion passed unanimously, 11-0.

#### **STAFF REPORT:**

Martin Engelmann, Deputy Executive Director for Planning, stated that staff had received a letter from *Save Mount Diablo*, which raised three questions regarding the Urban Limit Line as outlined in the staff report on page 4.B.2-1, discussed by the Planning Committee on February 3<sup>rd</sup>. Mr. Engelmann stated that staff was developing policies and procedures for evaluating the Measure J requirements in the *Implementation Guide*, which would be presented to the Authority as soon as the General Plan Amendment Review Procedures were finalized.

Mr. Engelmann stated that the Planning Committee considered a response to *Save Mount Diablo's* letter, and recommended that, due to limited information, the Authority respond at this time only to question #3, that under the Measure J Growth Management Program changes to sphere of influence do not have any impact on compliance with the Measure J Growth Management Program.

*Commissioner Durant* stated that based on the language of the Measure, a sphere of influence did not convey the kind of rights that an annexation would.

Ron Brown, Executive Director of *Save Mount Diablo*, stated that he had participated on the Expenditure Plan Advisory Committee during the reauthorization of Measure C, working diligently to craft key elements for an effective Growth Management Program, which included the requirement of a voter-approved Urban Limit Line (ULL) for each jurisdiction. He said that the ULL was intended as a growth management tool, to help direct where and how the county would grow in future years.

Mr. Brown noted that Save Mount Diablo endorsed Measure J, and assured the public that growth management would be a part of the Measure. He said that the New Farm project appeared to be urban development, taking place outside the Urban Limit Line. Mr. Brown said that the purpose of the letter was to gain a better understanding of whether there were well defined policies, criteria and standards by which a development could be judged, and to determine whether expansion outside the ULL would jeopardize a jurisdiction's Return to Source funding.

Mr. Brown said that Save Mount Diablo would be willing to assist the Authority in better defining Measure J policies and standards in a way that remained faithful to the original intent of the Urban Limit Line requirement that was put into Measure J, and that he looked forward to the response from the Authority.

*Chair Viramontes* thanked Mr. Brown for his comments. She said that the Authority's goal was to direct the Planning Committee to develop policies and standards for the Growth Management Implementation Documents that would meet challenges like those raised in Save Mount Diablo's letter.

*Commissioner Pierce* also thanked Mr. Brown, and said it was important not to address one project at this time but instead focus on completing the Implementation Procedures in a comprehensive manner.

Martin Engelmann clarified that the direction was to defer action on the consideration of additional ULL processes and criteria until the full Measure J GMP Implementation Documents were brought back to the Planning Committee for consideration in the spring.

- 4.B.3 SB 375 Implementation: Acceptance "In concept" of Proposed Scope of Work, Update on Guiding Principles, and Appointments to the Joint Policy Committee CEO and Working Group Committees:** Authority staff has worked jointly with staff from MTC/ABAG, and the Contra Costa Planning Directors, to develop an implementation plan for SB 375, which requires development of a Sustainable Communities Strategy (SCS) by 2013, for incorporation into the next Regional Transportation Plan (RTP). Staff seeks the Authority's input on the following three items: 1) Proposed Scope of Work for consultant support; 2) Update on the Guiding Principles; 3) Appointment to the JPC CEO Working Group Committees.

**ACTION:** *Alternate Hudson* moved "in concept" approval of the proposed Scope of Work for SB 375, acceptance of the status report on the development of the Guiding Principles, and approved the appointments to the JPC CEO and Working Group Committees, seconded by *Commissioner Abelson*. The motion passed unanimously 11-0.

**STAFF REPORT:**

Martin Engelmann, Deputy Executive Director for Planning, stated that staff had been working to address the challenges of SB 375 to develop a Sustainable Communities Strategy (SCS) for incorporation into the 2013 Regional Transportation Plan (RTP). He said that staff was seeking Authority approval of the following three items: 1) Proposed Scope of Work for consultant support; 2) Update on the Guiding Principles; and 3) Appointments to the JPC/CEO and Working Group Committees.

Mr. Engelmann explained that the initial scope of work would be fulfilled under the Authority's existing ongoing planning services contract with Dhyett and Bhatia, but that additional consultant resources could be requested after scope, schedule and budget were further assessed.

Martin Engelmann said that the Authority had directed staff develop Guiding Principles in November, and that the draft Guiding Principles had been thoroughly reviewed by the Planning Directors in January. He stated that the draft Guiding Principles were scheduled to be brought back to the Planning

Committee and full Authority Board in February, and that they would reflect the extensive feedback received from the Planning Directors.

Mr. Engelmann stated that the Authority had received a letter from the American Lung Association dated January 19<sup>th</sup> (distributed as a meeting handout) suggesting additions to the Guiding Principles, which would be reviewed by the Technical Coordinating Committee in January and the Planning Committee in February.

Mr. Engelmann referenced the updated staff report on Item 4.B.3 that was distributed as a meeting handout, updated to reflect *three* appointments to the JPC CEO as recommended at the January 14<sup>th</sup> Public Managers Association meeting, in addition to the appointments of Martin Engelmann to the SCS Working Group and Paul Maxwell to the JPC CEO Committee recommended by the Planning Committee. Mr. Engelmann explained that the three appointed City Managers would coordinate on a rotation for representation on the JPC CEO.

*Alternate Hudson* noted that West County was not represented by the three City Managers appointed to the JPC CEO.

*Chair Viramontes* noted the correlation of Guiding Principles to the issues discussed in the previous agenda item related to the Growth Management Program.

*Commissioner Pierce* requested that Martin Engelmann provide a copy of the attendance log from the Planning Directors meeting to assess jurisdiction participation. She also asked Mr. Engelmann to outline the plan for integration with the ABAG process. Mr. Engelmann responded that the CMAs, Planning Directors, ABAG, and MTC staff planned to work together very closely to ensure consensus on the process. He said that more information would be provided in March.

- 4.B.4 Receive Final Report on the I-680 HOV/Express Bus Access Study.** Regional Measure 2 (RM-2) set aside \$15 million for HOV improvements on I-680 in central Contra Costa, with up to one million of the funds to be used to develop options and recommendations for providing Express Bus service on the I-680 HOV lane south of the Benicia-Martinez Bridge to connect to BART. The I-680 HOV/Express Bus Access Study has been completed by the CH2M Hill consultant team. In October 2009, the study was accepted by CCCTA (County Connection), the designated study lead agency in the RM-2 legislation. The Authority is required by the RM2 Legislation (SB 916) to adopt the study's preferred alternative for future funding of the remaining RM-2 funds (\$14.3 million). The study recommends the Southbound I-680 HOV lane gap closure project between N. Main and Livorna Road for funding by the remaining RM2 funds. **Resolution No. 10-01-G**

**ACTION:** *Commissioner Pierce* moved to accept the I-680 HOV/Express Bus Access Study report and study recommendations, and to approve Resolution No. 10-01-G selecting I-680 Southbound HOV Gap Closure Project from North Main to Lovorna Road as the preferred alternative for available RM2 funding, seconded by *Commissioner Durant*. The motion passed unanimously 11-0.

**STAFF REPORT:**

Martin Engelmann stated that Regional Measure 2 (RM-2) set aside \$15 million for HOV improvements on I-680 in central Contra Costa County, with up to one million of the funds to be used to develop options and recommendations for providing Express Bus Service and HOV access on the I-680 HOV lane south of the Benicia-Martinez Bridge to BART in Central County.

He said that CH2M Hill had been retained to conduct the I-680 HOV/Express Bus Access Study, and that the study had been completed on schedule and under budget. Mr. Engelmann introduced Deborah



Dagang, Project Manager from CH2M Hill, who provided a brief presentation on the I-680 HOV/Gap Closure Study.

## **5.0 CORRESPONDENCE AND COMMUNICATIONS**

### **5.1 511 Contra Costa Press Release Dated December 29, 2009 RE: Safe Routes to School Grant.**

## **6.0 ASSOCIATED COMMITTEE REPORTS**

- 6.1 Central County (TRANSPAC): *Report of December 10, 2009 (Attachment)*
- 6.2 East County (TRANSPLAN): *Report of January 14, 2010 (Meeting Handout if Available)*
- 6.3 Southwest County (SWAT): *Report of December 7, 2009 (Attachment)*  
*(Meeting of January 4<sup>th</sup> Canceled -- Next Meeting February 1, 2010)*
- 6.4 West County (WCCTAC): *(Next Meeting January 31, 2010)*
- 6.5 Conference of Mayors (COM):
- 6.6 Contra Costa County (COUNTY)
- 6.7 CCTA Citizen Advisory Committee (CAC)

## **7.0 COMMISSIONER AND STAFF COMMENTS**

### **7.1 Chair's Comments and Reports**

*Chair Viramontes* thanked Paul Maxwell and Authority staff for their help in coordinating Congressman Garamendi's visit on January 7<sup>th</sup>.

*Chair Viramontes* also thanked Gray-Bowen and *Amy Worth* for hosting the Caldecott luncheon earlier in the day, and noted that the Caldecott Groundbreaking had been moved to Friday, January 22<sup>nd</sup>.

### **7.2 Commissioners' Comments and Reports**

*Commissioner Pierce* said that she was impressed by Congressman Garamendi's interest and enthusiasm about Contra Costa's transportation issues, and that she looked forward to working with him.

### **7.3 Executive Director Report and Staff Comments**

Paul Maxwell acknowledged *Commissioner Taylor* for his help in coordinating Congressman Garamendi's tour of East County, as well as *Commissioner Pierce* and *Representative Worth* for participating in the roundtable discussion.

Mr. Maxwell mentioned that he and Susan Miller, Director of Projects, had met with Congressman Garamendi's staff while in Washington D.C. for a conference they both had attended.

Mr. Maxwell noted that his monthly report was included in the packet and updated the Authority on the activities related to the Executive Director recruitment process.

## **8.0 CALENDAR: February/March/April 2010**

Paul Maxwell reminded the Authority that he would not be available for the March Authority meeting, scheduled for March 17<sup>th</sup>. It was decided that the March meeting date would be reassessed at the February Authority meeting.

9:00 **ADJOURNMENT:** to Wednesday, February 17<sup>th</sup> at 6:00 p.m.

*Chair Viramontes* adjourned the meeting at 8:00 p.m.

<b>Subject</b>	<b>Discussion of the City of Pittsburg’s Proposal to Withdraw from the East Contra Costa Regional Fee &amp; Financing Authority (ECCRFFA).</b>
<b>Summary of Issues</b>	The City of Pittsburg proposes to withdraw from the East Contra Costa Regional Fee and Financing Authority, unless fee revenues collected in the City of Pittsburg are redirected toward projects that are located within the City, specifically the James Donlon Boulevard Extension project (formerly the Buchanan Road Bypass). The Measure J Growth Management Program (GMP) requires that each local jurisdiction participate in both a local and a regional mitigation program to ensure that new growth pays its share of the costs associated with that growth.
<b>Recommendations</b>	Receive the staff report, and provide direction to staff regarding any further action at this time.
<b>Financial Implications</b>	The City of Pittsburg is programmed to receive approximately \$700,000 in 18 percent Local Street Maintenance and Improvement (LSM) funds in Fiscal 2009-10, subject to Authority approval of the City’s Calendar Year 2008 & 2009 GMP Compliance Checklist.
<b>Options</b>	<ul style="list-style-type: none"> <li>A. Receive and file staff report</li> <li>B. Notify the City of Pittsburg regarding the implication of withdrawing from ECCRFFA with regard to GMP compliance</li> </ul>
<b>Attachments</b>	<ul style="list-style-type: none"> <li>A. Article from the Contra Costa Times: “Pittsburg at crossroads with Regional Transportation Group over Funds,” February 12, 2010</li> <li>B. ECCRFFA Fee Schedule, Effective Jan. 1, 2010</li> </ul>
<b>Changes from Committee</b>	

**BACKGROUND**

**ECCRFFA and ECTIA**

In August 1994, the local jurisdictions of East County (Pittsburg, Antioch, Brentwood, and Contra Costa County) entered into a Joint Exercise of Powers Agreement (JEPA) that established a uniform regional development fee program within East County to finance transportation projects that included the widening of the SR-4 freeway, construction of the James Donlon Extension (formerly the Buchanan Bypass), and completion of the SR-4 Bypass (formerly the Delta Expressway).

The estimated total cost of the projects as stated in the ECCRFFA JEPA was \$403 million (1994 \$), of which \$189 million was to be funded through the regional fee. Upon inception of the JEPA, the regional fee was set at \$1,730/Dwelling Unit. The JEPA included a schedule that graduated up the fee amount to \$4,475/Dwelling Unit by July 1997.

In October 1999, following the incorporation of the City of Oakley, the ECCRFFA JEPA was amended to include the City of Oakley as party to the agreement. Shortly thereafter, in 2001, another joint powers agency was created. Called the East County Transportation Improvement Authority (ECTIA) JEPA, it included Antioch, Brentwood, Oakley, and the County, but did not include the City of Pittsburg.

In July 2005, the activities of ECCRFFA and ECTIA were consolidated by having ECCRFFA take over the uniform regional development fee program, and by terminating ECTIA and the ECTIA agreement. Today, the member agencies of ECCRFFA include all of the east county jurisdictions (Pittsburg, Antioch, Oakley, Brentwood, and the County), the fee for a single family home is currently set at \$17,795 per dwelling unit (see Attachment B), and gross fee revenues since inception are in excess of \$200 million [Measure C Regional Transportation Mitigation Program, Summary Status Report, February 2008].

### **The Measure J Growth Management Program**

Measure J includes a growth management program that allocates 18 percent of annual sales tax revenues to local jurisdictions that demonstrate compliance with the Growth Management Program (GMP). The GMP as described in the Measure J Expenditure Plan, includes seven categories for compliance. Two of those components are particularly relevant to the East County regional transportation mitigation program:

2. **Adopt a Development Mitigation Program:** This component includes the provision that ‘each jurisdiction must adopt, or maintain in place, a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities, and a regional program to fund regional and subregional transportation projects,...’
4. **Participate in an ongoing cooperative, multi-jurisdictional planning process:** ‘...to manage the impacts of growth.’

Policies and procedures specifying how a local jurisdiction is to fulfill the above requirements are elaborated upon in the Authority’s Growth Management “Implementation Documents.” The Authority reviews each jurisdiction’s participation in the GMP through a biennial “compliance checklist” which the local jurisdiction submits to demonstrate its compliance. Jurisdictions found in compliance with the GMP receive a share of the 18 percent local street maintenance and improvement funds, and become eligible to receive 5 percent funds for Transportation for Livable Communities.

### **Actions Taken by the City of Pittsburg**

During the past year, the City of Pittsburg has taken the following series of actions to request that ECCRFFA exclusively program fees that are collected by the City towards projects that are located within the City:

- The City of Pittsburg notified ECCRFFA that the City was considering withdrawing from ECCRFFA if funding for the James Donlon Boulevard Extension was not authorized in the next five years [letter dated April 30, 2009].
- The City of Pittsburg submitted a proposal to ECCRFFA requesting that all fees collected in Pittsburg stay within Pittsburg, for allocation to projects located within the City’s limits, but not including the SR-4 freeway widening project. Projects specifically mentioned in the letter are as follows [letter dated October 2, 2009]:

- The James Donlon Boulevard Extension Project (formerly the Buchanan Road Bypass)
  - The Pittsburg-Antioch Highway
  - California Avenue
  - Willow Pass Road
  - West Leland Road; and
  - Commuter Rail (e-BART – including the Railroad Avenue Station)
- According to ECCRFFA staff, the City of Pittsburg stopped forwarding proceeds of fees collected since the end of July 2009, and the amount of the withheld fees has not been reported [letter from ECCRFFA staff to City staff, January 14, 2010].
  - The City requested that ECCRFFA adopt a resolution that would re-direct all ECCRFFA fees collected by the City exclusively to projects located within the City (as listed above), and further indicated that if ECCRFFA did not adopt the proposed resolution or otherwise respond favorably to the City's request, that the City would begin the procedures to withdraw from ECCRFFA [letter dated January 29, 2010].

**Response from ECCRFFA**

At its meeting of February 11, 2010, the ECCRFFA Board discussed the City of Pittsburg's request that ECCRFFA obligate all fees collected by the City exclusively to the City. ECCRFFA staff raises the following issues in their report to the Board:

- Complying with the City's request to have the James Donlon Boulevard Extension Project as the first and highest priority project could negatively affect the delivery of ECCRFFA's highest priority projects – the SR 4 East Freeway Widening, the SR 4 Bypass, and e-BART.
- The City's action to withhold ECCRFFA fees since July 2009 is in conflict with the ECCRFFA JEPA, which requires that all members of ECCRFFA forward fee proceeds on a monthly basis to the designated ECCRFFA fiscal agent (in this case, the County of Contra Costa Public Works Department).

A specific response from ECCRFFA to the City regarding its request is expected in the near future.

**Implications for Compliance with the Measure J GMP**

If Pittsburg were to withdraw from ECCRFFA, its compliance with the above-mentioned provisions of the Measure J GMP would be brought into question. If it no longer participates in ECCRFFA, Pittsburg would have to replace the collection of the ECCRFA fee with another program that is judged by the Authority to satisfy the requirements for a regional development mitigation program. Currently, three of the four sub-regions of Contra Costa – East, Southwest, and West – have sub-regional uniform fee programs. Central County has adopted a "Subregional Transportation Mitigation Program (STMP)" that applies to its jurisdictions, where impacts of new developments are handled on a case-by-case basis under cooperatively set rules.

If Pittsburg were to withdraw from ECCRFFA during 2010, staff would recommend to the Authority that it monitor and review the issue well in advance of the next applicable checklist submittal. The Checklist for the current reporting period (CY 2010 & 2011) will be issued in January 2012. Rather than wait until the checklist submittal, which would occur after January 2012, staff would want to inform the Authority

as early as possible of any significant compliance issues, and give the involved parties time for discussion and possible corrective actions.

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## ATTACHMENT A

### Pittsburg at crossroads with regional transportation group over funds

By Paul Burgarino  
Contra Costa Times

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Updated: 02/17/2010 02:19:18 PM PST

Pittsburg says it will withdraw from a regional transportation fee-collection agency unless its contributions are spent on projects involving the city.

This week, the East Contra Costa Regional Fee and Financing Authority board postponed a decision on Pittsburg's request to dedicate fees collected by the city to road projects there — namely the extension of James Donlon Boulevard.

Agency staff was directed to try to hash out differences with Pittsburg. The request will again be considered at a March 11 meeting.

Pittsburg leaders say regional road projects that would affect their city have not received a proportionate amount of funding.

"There seems to be this attitude on this board like we're fourth-class citizens," board member and Pittsburg Councilman Will Casey said at Thursday's meeting.

Pittsburg joined the group when it was created in 1994 in part to fund the James Donlon extension, a

planned expressway through the hills of undeveloped land south of Pittsburg. That project aims to give East Contra Costa commuters an alternate route while taking thousands of cars off city streets like Buchanan Road.

In April, Pittsburg notified the agency it was considering withdrawing if funding was not put toward the project. It has withheld monthly fees from the group since July while waiting for a formal response — an action that violates the joint powers agreement.

Board member Brian Kalinowski said during the meeting that he found Pittsburg's decision to "defer to an aggressive action" to be "troubling" and "showing a lack of genuine desire."

Board Vice Chairman Federal Glover, a county supervisor, asked whether Pittsburg had drawn "a line in the sand" in sending a terse letter to the agency on Jan. 29 or whether the issues could be negotiated.

"This is an act of frustration, pure and simple," said Casey, adding that leaders on the board for years have shown "absolutely no concern" for Pittsburg.

"We've been waiting for 17 years for something and put in millions of dollars," he said. "Enough's enough,"

Kalinowski, an Antioch councilman, said he supported the James Donlon extension and wanted to resolve the issues, but given the dismal economy it "doesn't mean we can solve them in a New York minute."

Pittsburg's City Council will discuss the issue during a meeting later this month.

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Pittsburg has put close to \$16 million into the collection agency since its creation. About \$2 million has gone toward widening Highway 4 from Railroad Avenue to Loveridge Road, while \$775,000 was put into James Donlon for environmental review.

Regardless of whether Pittsburg stays in ECCRFFA, city leaders say they will remain committed to building the James Donlon extension and other road projects that benefit the region.

Agreeing to Pittsburg's request could have a negative effect on widening Highway 4 and BART's extension into the region, project manager Dale Dennis said in a staff report.

Before the topic was discussed, the ECCRFFA board met in closed session for close to an hour to discuss potential litigation. Casey stood outside the meeting room for most of that time and said board members were discussing the Pittsburg matter.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/pittsburgarino](https://twitter.com/pittsburgarino).



**EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY  
ANNUAL ADJUSTMENT OF FEES**

Annual adjustment of fees per construction cost index in Engineering News Record:	<b>-1.40%</b>
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**All member agencies**

<b>ECCRFFA - RTDIM fee</b>	<b>Current Fee</b>	<b>Index</b>	<b>New Fee* (Effective January 1, 2010)</b>
Single Family Residential	18,048	-1.40%	17,795
Multi Family Residential	11,079	-1.40%	10,924
Commercial	1.51	-1.40%	1.49
Office	1.32	-1.40%	1.31
Industrial	1.32	-1.40%	1.31
Other	18,048	-1.40%	17,795

\* 1 % Administration Charge Allowed for RTDIM fee administration

