

MEETING MINUTES

TRI-VALLEY TRANSPORTATION COUNCIL

Zoom Teleconference Call

Monday, July 19, 2021

1. **CALL TO ORDER, ROLL CALL, AND SELF-INTRODUCTIONS**

The Tri-Valley Transportation Council (TVTC) was called to order at 4:01 p.m. by Chair, Scott Perkins, City of San Ramon.

TVTC Members in Attendance:

Scott Perkins, Chair, Councilmember, San Ramon
Jean Josey, Vice Chair, Councilmember, Dublin
Renee Morgan, Mayor, Town of Danville
David Haubert, Supervisor District 1, Alameda County
Candace Andersen, Supervisor District 2, Contra Costa County
Brittini Kiick, Councilmember, City of Livermore
Karla Brown, Mayor, City of Pleasanton

TVTC Staff in Attendance:

Lisa Bobadilla, San Ramon
PJ Dhoot, San Ramon
Cedric Novenario, Pleasanton
Sai Midididdi, Dublin
Pratyush Bhatia, Dublin
Andy Dillard, Absent
Julie Chiu, City of Livermore
Robert Sarmiento, Contra Costa County

Others in Attendance:

Lindsay D'Andrea, Meyers Nave, TVTC Legal Counsel
Frederic Venter, Kimley Horn & Associates
Michael Schmitt, Kimley Horn & Associates
Matt Kelly, Contra Costa Transportation Authority
Hisham Noemi, Contra Costa Transportation Authority
Kristen Villanueva, Alameda County Transportation Commission

3. **PUBLIC COMMENT**

None

4. **CONSENT CALENDAR**

A. APPROVE TVTC Board Meeting Minutes April 19, 2021

B. APPROVE Resolution No. 2021-08 Contract Extension for Kimley Horn & Associates to August 31, 2021

Motion to Approve Consent Items A and B by Supervisor Andersen; Second Vice Chair Josey

Approved (Ayes 7; Noes 0; Abstain 0)

5. OLD BUSINESS

A. PARTICIPATE in Study Session regarding the Tri-Valley Transportation Council Nexus Study.

Ms. Lisa Bobadilla, TVTC Administrator introduced the item and articulated to the Board that they are not being asked to approve the Nexus Study. The Consultant Team will provide the Board with an update on the Nexus Study process, review the data gathered, analyze data, and provide summary of Study outcome. Board members will have opportunity to ask questions. Ms. Bobadilla stated that accepting the update for the Nexus Study does not adopt a new fee or prioritize the projects. Rather an update to the Fee, prioritization of the projects and funding allocations are included as part of the next phase of the process, which is the Strategic Expenditure Plan.

Ms. Bobadilla informed the Board that the Nexus Study process began about 2 ½ years ago and thanked the TAC members for their hard work to collate and gather information from each respective agency, review and comment on the technical memos submitted by the Consultant Team.

She stated that since the last Nexus Study in 2009, there have been significant changes at TVTC from how the Administration is handled, to new elected officials (Board members), and different staff members from agencies and the economy has changed. As a result, a Study Session to review what has transpired since 2009 to 2021 was justified. It provides the Board with opportunity to review what took place with the Study and the Strategic Expenditure Plan since 2009, what was done over the last 10 years and results of the current Nexus Study.

The Kimley Horn Consultant Team reviewed presented findings of the Nexus Study.

Mr. Michael Schmitt articulated that since 2008, there have been changes in the funding, planning and traffic conditions under which the Tri-Valley Transportation Development Fund (TVTDF) was originally developed. In addition, many of the original 22 projects have been completed and the TVTC has identified 23 new projects (List C) to be considered. Based on these factors, Mr. Schmitt stated that an updated Nexus Study has been prepared to support updates to the TVTDF.

With respect to forecast growth, Mr. Schmitt stated that new development in the Tri-Valley is forecasted to add 33,312 household and 63,947 jobs between 2018 and 2040. This growth will produce an increase of 57,596 average AM/PM peak hour trips.

Mr. Schmitt stated that projected project benefits, based on forecast projection, the vehicle hour of delay is expected to increase by 60 percent during the AM and 88 percent during the PM peak, with

the 38 improvement projects. He stated that the delay is expected to decrease by 15 percent during the AM peak and 23 percent during the PM peak when compared to the 2040 No-Build Scenario. In addition, these projects will result in other benefits to the Tri-Valley Area including improving roadway safety, improving roadway operations, and increasing bicycle ridership.

Mr. Schmitt informed Committee members that with a new updated fee, the total investment for projects eligible to receive TVTDF funding is estimated to be \$4.573 billion, where \$3.702 billion is unfunded. He also stated that an additional reduction was applied to account for external “cut-through” trips on roadway congestion projects. Future development within the Tri-Valley area is not responsible to pay for these cut-through trips since these trips are caused by growth outside of the Tri-Valley area. Therefore, it reduces the total unfunded cost to be covered by the maximum TVTDF to \$2.698 billion. He noted that this did not change the overall project costs.

Ultimately, the \$2.698 billion unfunded cost was allocated across future development land use type based on the proportion of forecast peak-hour trips to determine the Total Fee per Land Use. Then, the maximum fee schedule was determined by dividing Total Fee per Land Use by the 2020-2040 Growth as shown in Table E-1 of the staff report.

Mr. Schmitt stated that the maximum fee schedule shown in in Table E-1 of the staff report would generate sufficient revenues to fund the total unfunded cost of all selected projects. He noted that TVTC is not obligated to apply this fee schedule. As an example, TVTC past practice has been to set rates at approximate one-third of the maximum fee calculated. This was done with the 1995 and 2008 Nexus studies to help foster growth within the Tri-Valley area, while providing a regional funding source that could be used to match and help compete for Federal and State transportation grants and funding programs.

With respect to the methodology and approach, Mr. Schmitt provided an overview of the process. Travel demand forecasting was conducted using the current version of Contra Costa Transportation Authority Travel Demand Model (CCTA TDM). The use of the CCTA TDM is consistent with the previous 2008 Nexus Study. Based on the outcome of initial discussions with the TAC, the following steps were taken regarding the development of travel demand forecasts:

Travel demand forecasting was reaffirmed to be based on the latest version of CCTA travel demand mode. Land use assumptions for households and employment were broken down for the 2020 base and 2040 horizon years by jurisdiction and were distributed to member agencies for review.

Mr. Schmitt summarized of the major milestones to date, is as follows:

- October 2019 - TVTC approved the Nexus Study Project List (List C).
- April 2020 - TVTC adopted Resolution 2020-03 and awarded a Professional Services Agreement to Kimley-Horn (“consultant”) for the TVTC Nexus Study in the amount of \$172,930.
- October 2020 - TVTC received an update on the Nexus Study which included completion of the Nexus Study Scope of Work and Schedule, and completion of Growth Forecast refinements for

employment and population to calculate the increase in traffic demand attributable to forecasted growth within the Tri-Valley.

- January 2021 - TVTC received a verbal update from the consultant detailing the land use assumptions submitted by the member agencies.
- April 2021 - TVTC received a verbal updated from the consultant detailing the tasks completed, including the land use assumptions, travel demand model, and the performance evaluation.
- July 2021 - TVTC receive update on all completed tasks associated with the Nexus Study

Chair Perkins thanked the Consultant a team and TAC members for their work and opened up for questions.

CM Kiick inquired as to how the “end to end” trips are accounted for and how COVID related work from policies are accounted for. Mr. Schmitt responded that the travel demand model account for trip origin and destination, whereby in general it is an estimation. With response to COVID work from home, he indicated that the Nexus Study is a long range forecasting tool and the assumptions made with current Nexus Study can be revisited with an updated travel demand model expected to be completed in a few years.

CM Kiick also requested a summary of similar regional fee programs and that a timeline related to the Strategic Expenditure Plan be provided.

Mayor Brown stated that due to COVID, many high tech workers are still working from home and those trips may not be accounted for in the Study. She also stated her concern that the Nexus Study Maximum Fee amount will not cover total costs of all new projects.

Chair Perkins responded that new Project List (List C) is expensive; however TVTDF has not traditionally paid for 100% of project costs; rather the TVTDF has in the past, covered a portion of costs. Chair Perkins also stated that the prior Nexus Study and subsequent Strategic Expenditure Plan, the TVTDF was ultimately set at 35% of the maximum allowable rate vs. 100%.

Mayor Morgan requested status updated on the existing project list as some of the projects, approved on List A should be updated. For example, Vasco Road Improvements should be updated as well as I-580 projects. Mayor Morgan also requested the Innovate 680 projects be updated to reflect existing conditions and asked for the status update on the Bus on Shoulder Project.

Supervisor Haubert stated that a steep increase in the TVTDF would cause sticker shock and could impact adding new rural roadway projects. Chair Perkins responded that, at this time, no new project being added.

Vice Chair Josey inquired as to whether or not applying 35% maximum allowable rate to one project is legal.

Lindsay D’Andrea, Legal Counsel, responded that the 35% is a reasonable rate as the funds are allocated among several projects and the law does not apply to project vs. project, rather the Nexus Study states that there is a reasonable relation between the fees vs. projects.

Mr. Michel Schmitt responded that the project costs do not change and the fees collected are spread out among many projects.

Chair Perkins thanked the Committee for their questions. He acknowledged and thanked the work of the Consultant Team and TAC members. Furthermore, he reminded committee members of the timeline for the SEP adopting. A new fee structure will need to be approved by all 7 member agencies in 2022, for implement July 1, 2022.

Chair Perkins inquired as to who is interested in participating on a SEP subcommittee. Vice Chair Josey and CM Kiick agreed to participate on the SEP subcommittee.

6. NEW BUSINESS

A. APPROVE Resolution No. 2021-06 – City of Livermore request to refund Tri-Valley Transportation Development Funds

Ms. Julie Chiu presented the item. The City of Livermore issued a building permit to Mark Ives, the property owner of 809 El Rancho Drive on June 11, 2018. The permit was for a 375 square feet of a new detached secondary dwelling unit on his property. The total amount paid at permit was \$7,340.72. In addition to paying fees to the City of Livermore, Mark Ives was required to pay a Tri-Valley Transportation Development Fee (TVTDF) of \$1,783.25.

During the construction, Mark Ives was notified by PG&E that the new secondary dwelling unit was built on a PG&E easement and would need to be removed. In order to fiscally prepare for demolishing the secondary dwelling unit, which was not completely constructed, therefore Mr. Ives has requested a refund of \$1,783.25 from TVTC.

**Motion to Approve by Supervisor Andersen; Second by Mayor Morgan.
Approved (Ayes 7; Noes 0; Abstain 0)**

B. APPROVE Resolution No. 2021- 07 Amendment to TVTC Bylaws.

Ms. Bobadilla provide brief summary of item. The TVTC JEP Section 3 – Governing Council outlines how the TVTC shall be governed, including the adoption of Bylaws. Specifically, Section 3.e – Bylaws stated that “The TVTC shall create and adopt, and from time to time amend, Bylaws as are necessary or convenient to achieve or facilitate the conduct of the Governing Council’s meetings and procedures.”

Ms. Bobadilla stated that the TVTC TAC, with input from TVTC legal counsel, prepared an amendment to the TVTC bylaws, including:

1. Making minor clarifications and corrections;

2. Adding Role and Responsibility of the TVTC Technical Advisory Committee; and
3. Adding Role and Responsibility of the TVTC Finance Committee.

Motion to Approve by Supervisor Andersen; Second by Vice Chair Josey.

Approved (Ayes 6; Noes 0; Abstain 0)

7. INFORMATIONAL ITEMS

Mayor Brown also inquired about changes to State Law impacting Brown Act and public meetings.

Lindsay D'Andrea, Legal Counsel, responded that the State is scheduled to consider changes to the Brown Act for virtual meetings in August.

Chair Perkins inquired as to the status of the TVTC Audit Subcommittee. Ms. Bobadilla responded that the Audit Subcommittee has consisted of the Chair, Vice Chair and one other member.

8. ADJOURNMENT

The meeting was adjourned by Chair Perkins at 4:40 p.m.