

TRI-VALLEY TRANSPORTATION COUNCIL

TVTC MEETING

Monday, October 17, 2022
4:00 p.m.

Jean Josey
TVTC Chair
Vice Mayor
Dublin
(925) 833-2530

Newell Arnerich
TVTC Vice Chair
Mayor
Town of Danville
(510) 366-0716

David Haubert
Supervisor District 1
Alameda County
(925) 551-6995

Candace Andersen
Supervisor District 2
Contra Costa
(925) 957-8860

Brittni Kiick
Councilmember
City of Livermore
(925) 960-4019

Karla Brown
Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Councilmember
San Ramon
(925) 973-2544

If you have any questions related to the Tri-Valley Transportation Council meeting agenda. Please contact Sai Mididdi. TVTC Administrative staff at (925)833-6630 or email at sai.mididdi@dublin.ca.gov

Join Zoom Meeting

<https://dublinca.zoom.us/j/81329540561>

Meeting ID: 813 2954 0561

One tap mobile

+16699009128,81329540561# US (San Jose)

Pursuant to Government Code section 54953(e), members of the Tri-Valley Transportation Council may conduct this meeting via teleconference. Teleconference locations are not open to the public pursuant to Section 54953(e).

For this meeting, there will be no physical location from which members of the public may observe/comment. There will be no physical location for members of the public to participate in the meeting. We encourage members of the public to access the meeting online using the web-video communication application, Zoom.

Zoom participants will have the opportunity to speak during the Public Comment period (for topics not on the agenda), in addition to each of the items on the agenda.

If you are submitting a public comment via email, please do so **by 12:00 p.m. on Monday, October 17, 2022**, to sai.mididdi@dublin.ca.gov Please include **“Public Comment 10/17/22”** in the subject line. In the body of the email, please include your name and the item you wish to speak on. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

Members of the Public may participate and provide public comments to teleconference meetings as follows:

Public testimony will be taken at the direction of the Chair and members of the public may only comment during times allotted for public comments. If you wish to request a disability-related modification or accommodation, please contact the Administrator by email at sai.mididdi@dublin.ca.gov.

TRI-VALLEY TRANSPORTATION COUNCIL

AGENDA

1. Call to Order
2. Roll Call and Self Introductions
3. Public Comment
4. Consent Calendar
 - a. APPROVE September 12 and October 3, 2022, Minutes
 - b. APPROVE Resolution No. 2022-21 to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council (“TVTC”), pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person*
 - c. APPROVE Resolution No. 2022-22 of the Tri-Valley Transportation Council to Allocate \$600,000 in Tri-Valley Transportation Development Fee (TVTDF) Funds to the City of Dublin for Strategic Expenditure Plan Project C.11C Iron Horse Trail Bicycle-Pedestrian Overcrossing at Dublin Boulevard Road for FY 2022-23.
5. Old Business
6. New Business
 - a. Approve TVTC Board meeting schedule for FY 23
7. Administrative Business
8. Informational Items

Find a date for the next special meeting to extend teleconference meetings. (November 17th week)
Find a date for the TVTC Special Board Meeting between November 28th and December 2nd.per the request of CCTA for Action Plan update.
9. Adjournment

* *Attachment(s)*

Item 4

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4.a - DRAFT - MEETING MINUTES

TRI-VALLEY TRANSPORTATION COUNCIL SPECIAL MEETING

Zoom Teleconference Call
Monday, September 12, 2022

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

The Tri-Valley Transportation Council (TVTC) was called to order at 3:48 p.m. by Chair, Jean Josey, City of Dublin.

TVTC Members in Attendance:

Jean Josey, Chair, Vice Mayor, Dublin
Newell Arnerich, Vice-chair, Mayor, Town of Danville
David Haubert, Supervisor District 1, Alameda County
Candace Andersen, Supervisor District 2, Contra Costa County (absent)
Brittni Kiick, City of Livermore (absent)
Karla Brown, Mayor, City of Pleasanton
Scott Perkins, Chair, Councilmember, San Ramon

TVTC Staff in Attendance:

Andy Dillard, Danville

Others in Attendance

Lindsay D'Andrea, General Counsel's Office

1. PUBLIC COMMENT

None

2. CONSENT CALENDAR

1. APPROVE minutes from August 15th meeting
2. APPROVE Resolution No. 2022-18 to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council ("TVTC"), pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person
3. Approve Resolution No 2022-19 first amendment to Professional Services Agreement with Myers Nave

Motion to Approve Consent Calendar Items by Mayor Newell; Second by Council Member Perkins

TRI-VALLEY TRANSPORTATION COUNCIL

Approved (Ayes 6; Noes 0; Abstain 0) Kiick Absent

4. OLD BUSINESS

5. NEW BUSINESS

N/A

6. INFORMATIONAL ITEMS

Ms. Midididdi reminded of the upcoming TVTC regularly scheduled meeting on October 17th, 2022, at 4:00 p.m. and requested a date to set up a special meeting to extend the teleconference meetings. Board finalized Monday, October 3rd at 3:45 pm for the special meeting.

8. ADJOURNMENT

The meeting was adjourned by Chair Josey at 3:52 p.m.

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4.a - DRAFT - MEETING MINUTES

TRI-VALLEY TRANSPORTATION COUNCIL SPECIAL MEETING

Zoom Teleconference Call

Monday, October 3, 2022

2. CALL TO ORDER, ROLL CALL, AND SELF-INTRODUCTIONS

The Tri-Valley Transportation Council (TVTC) was called to order at 3:46 p.m. by Chair, Jean Josey, City of Dublin.

TVTC Members in Attendance:

Jean Josey, Chair, Vice Mayor, Dublin
Newell Arnerich, Vice-chair, Mayor, Town of Danville
David Haubert, Supervisor District 1, Alameda County (absent)
Candace Andersen, Supervisor District 2, Contra Costa County
Brittni Kiick, City of Livermore (absent)
Karla Brown, Mayor, City of Pleasanton
Scott Perkins, Chair, Councilmember, San Ramon

TVTC Staff in Attendance:

Others in Attendance

Lindsay D'Andrea, General Counsel's Office

3. PUBLIC COMMENT

None

4. CONSENT CALENDAR

- a. APPROVE Resolution No. 2022-20 to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council ("TVTC"), pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person

**Motion to Approve Consent Calendar Items by Council Member Perkins;
Second by Supervisor Anderson**

Approved (Ayes 6; Noes 0; Abstain 0) Kiick Absent

7. OLD BUSINESS

TRI-VALLEY TRANSPORTATION COUNCIL

8. NEW BUSINESS

N/A

9. INFORMATIONAL ITEMS

Ms. Midididdi reminded of the upcoming TVTC regularly scheduled meeting on October 17th, 2022, at 4:00 p.m.

9. ADJOURNMENT

The meeting was adjourned by Chair Josey at 3:48 p.m.

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4.b

Jean Josey
TVTC Chair
Vice Mayor
Dublin
(925) 833-2530

To: Tri-Valley Transportation Council (TVTC)

From: Steve Mattas, General Counsel

Date: October 17, 2022

Newell Arnerich
TVTC Vice Chair
Mayor
Town of Danville
(510) 366-0716

Subject: Resolution to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person

David Haubert
Supervisor District 1
Alameda County
(925) 551-6995

RECOMMENDATION

Candace Andersen
Supervisor District 2
Contra Costa
(925) 957-8860

Adopt a resolution to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council ("TVTC"), pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person.

Brittni Kiick
Councilmember
City of Livermore
(925) 960-4019

BACKGROUND

Karla Brown
Mayor
City of Pleasanton
(925) 931-5001

On March 4, 2020, Governor Newsom declared a State of Emergency in response to COVID-19. On March 10, 2020, Contra Costa County similarly declared a state of emergency. On March 17, 2020, Alameda County also declared a state of emergency, and Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct remote meetings. Pursuant to this executive order, TVTC's legislative bodies began conducting teleconference meetings to carry out TVTC business from remote locations while ensuring the public's continued access to meetings in a safe manner.

Scott Perkins
Councilmember
San Ramon
(925) 973-2544

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, extending the term of Executive Order N-29-20 to September 30, 2021. Since the Governor issued Executive Order N-08-21, the highly contagious Delta and Omicron variants emerged, which caused spikes in cases throughout the state and within Alameda County and Contra Costa County. Additional highly contagious subvariants have emerged, including BA.5 and BA.4, and there is an ongoing risk that new variants will emerge. The State, as well as the Alameda County Health Officer and Health Officer of Contra Costa County, have issued public health orders requiring all people, regardless of vaccination status, to wear

TRI-VALLEY TRANSPORTATION COUNCIL

face coverings in certain high-risk settings and strongly recommending that all people, regardless of vaccination status, wear face coverings in public indoor settings. The Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”) has also imposed similar requirements and recommendations for physical distancing and masking in response to the spread of the virus.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue meetings by teleconference during a declared State of Emergency by following specific rules regarding notice and attendance. AB 361 took full effect on October 1, 2021.

DISCUSSION

During a proclaimed state of emergency, AB 361 allows local legislative bodies to continue to meet remotely.

Under AB 361, TVTC will be allowed to continue to meet remotely when:

1. The local agency holds a meeting during a proclaimed state of emergency;
2. State or local health officials have imposed or recommended measures to promote social distancing;
3. The local agency has determined that as a result of the emergency, there is a need to meet remotely due to present imminent risks to the health or safety of attendees.

TVTC meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a state of emergency, and the Alameda County and Contra Costa County Board of Supervisors each adopted resolutions proclaiming a state of emergency due to COVID-19, pursuant to Section 8625 of the California Emergency Services Act;
- State and County health officers strongly recommend that individuals in indoor public spaces wear face coverings, and Cal/OSHA and the Center for Disease Control and Prevention (CDC) recommend social distancing of at least six feet and face coverings due to COVID-19;
- The highly-infectious Delta and Omicron variants of COVID-19, and the subvariants BA.4 and BA.5, continue to circulate within the state and throughout Alameda County and Contra Costa County and there is an ongoing risk of new variants emerging;
- Meeting in person would present imminent risks to the health and/or safety of attendees.

Under AB 361, TVTC is required to make certain findings, by majority vote, in order to continue teleconferencing without complying with the pre-AB 361 Brown Act provisions (i.e. posting agendas at each teleconference location and allowing such locations to be accessible to the public):

TRI-VALLEY TRANSPORTATION COUNCIL

- (1) The Board has reconsidered the circumstances of the state of emergency.
- (2) Either of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

If TVTC makes these findings, TVTC's legislative bodies may continue to hold meetings in the current remote manner with opportunities for the public to observe and address the legislative bodies in real time. TVTC is required to revisit these findings every 30 days in order to continue holding teleconference meetings while the proclaimed state of emergency is in effect.

RECOMMENDATION

Adopt resolution to continue conducting remote teleconference meetings for all meetings of the legislative bodies of the Tri-Valley Transportation Council, pursuant to the authority set forth in AB 361 (Government Code Section 54953[e][1]), due to a proclaimed state of emergency and imminent risks to the health and safety of attendees if meetings are held in person.

TRI-VALLEY TRANSPORTATION COUNCIL

TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2022-21

A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL (TVTC) FINDING THAT A PROCLAIMED STATE OF EMERGENCY EXISTS AND THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES IF MEETINGS OF THE LEGISLATIVE BODIES ARE HELD IN PERSON; AND AUTHORIZING TELECONFERENCE MEETINGS FOR ALL LEGISLATIVE BODIES

WHEREAS, all meetings of the legislative bodies of the Tri-Valley Transportation Council (“TVTC”) are open and public, as required by the Ralph M. Brown Act, Government Code Section 54950, *et seq.*, and any member of the public may observe, attend, and participate in the business of such legislative bodies;

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”);

WHEREAS, on March 4, 2020, the Alameda County Health Officer declared a local emergency due to COVID-19;

WHEREAS, on March 17, 2020, the Alameda County Board of Supervisors adopted a Resolution ratifying the Health Officer’s Declaration of Local Emergency;

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors adopted a Resolution proclaiming a state of emergency to deal with the potential spread of COVID-19;

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act (“Brown Act”) in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which TVTC staff implemented virtual meetings for all meetings of legislative bodies within the TVTC;

WHEREAS, all legislative bodies of TVTC established remote meetings, which have allowed the bodies to continue to conduct TVTC business from remote locations while ensuring the public’s continued access to government meetings in a safe manner;

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021;

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters;

TRI-VALLEY TRANSPORTATION COUNCIL

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021 and requires the Board to make specific findings to continue meeting under special teleconference rules;

WHEREAS, in addition to finding the Governor has declared a State of Emergency pursuant to Government Code section 8625, such findings include that state or local officials have imposed or recommended measures to promote physical distancing, or, in the alternative, that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees;

WHEREAS, Governor Newsom has declared a State of Emergency due to COVID-19, the Counties of Alameda and Contra Costa have similarly proclaimed states of emergency, state and county officials have imposed or recommend measures to promote masking and physical distancing, and TVTC has determined that meeting in person would present imminent risks to the health and safety of attendees;

WHEREAS, in response to the emergence of the highly contagious Delta and Omicron variants of COVID-19, including subvariants BA.4 and BA.5, and the ongoing risk of the emergence of new variants, State, the Alameda County and Contra Costa County Health Officers have issued orders for nearly all individuals to wear masks in certain indoor settings and strongly recommending that all individuals, regardless of vaccination status, wear masks when inside all public spaces;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) continues to recommend physical distancing of at least six feet from others outside of the household;

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), requires employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19;

WHEREAS, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,” promulgated by the Occupational Safety and Health Administration (“OSHA”) under the United States Department of Labor, provides that “[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19” and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement “physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers,” including physical distancing from members of the public, as a “key way to protect such workers”;

WHEREAS, due to the continued threat of COVID-19, TVTC continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of Board members, employees and members of the public;

TRI-VALLEY TRANSPORTATION COUNCIL

WHEREAS, TVTC recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its Board members, employees and a safe environment for the open and public meetings of all legislative bodies of TVTC;

WHEREAS, TVTC hereby finds that the presence of COVID-19 and continued circulation of the Delta and Omicron variants, including subvariants BA.4 and BA.5, as well as the ongoing risk of the emergence of new variants, present imminent risks to the health or safety of attendees should meetings of the legislative bodies of TVTC be held in person; and

WHEREAS, TVTC shall ensure meetings of all legislative bodies comply with the special teleconference rules under the Brown Act, as amended by Assembly Bill 361.

NOW, THEREFORE, BE IT RESOLVED by the Tri-Valley Transportation Council, as follows:

Section 1. Recitals. The above recitals are true and correct and hereby incorporated into this Resolution.

Section 2. State of Emergency and Imminent Risks to Health and Safety. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), TVTC hereby makes the following findings:

- a. TVTC has considered the circumstances of the state of emergency; and
- b. The states of emergency, as declared by the Governor, Alameda County, and Contra Costa County continue to impact directly the ability of all legislative bodies of TVTC to safely meet in person; and
- c. The CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
- d. Meeting in person would present imminent risks to the health and safety of meeting attendees due to the continued presence and threat of COVID-19.

Section 3. Remote Teleconference Meetings. All legislative bodies of TVTC are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public teleconference meetings in accordance with Government Code section 54953, as amended by Assembly Bill 361 (2021), and other applicable provisions of the Brown Act, in order to protect the health and safety of the public.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of November 16, 2022, or such time TVTC adopts a subsequent resolution in accordance with Government Code section

TRI-VALLEY TRANSPORTATION COUNCIL

54953(e)(3) to extend the time during which the legislative bodies may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED at the meeting of October 17, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Josey, Chair
Tri-Valley Transportation Council

ATTEST:

Sai Midididdi, TVTC Administrative Staff

TRI-VALLEY TRANSPORTATION COUNCIL

Item 4.c

Jean Josey
TVTC Chair
Vice Mayor
Dublin
(925) 833-2530

Newell Arnerich
TVTC Vice Chair
Mayor
Town of Danville
(925) 918-3999

David Haubert
Supervisor District 1
Alameda County
(925) 551-6995

Candace Andersen
Supervisor District 2
Contra Costa
(925) 957-8860

Brittini Kiick
Councilmember
City of Livermore
(925) 960-4019

Karla Brown
Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Councilmember
San Ramon
(925) 973-2544

To: Tri-Valley Transportation Council (TVTC)
From: TVTC Technical Advisory Committee (TAC)
Date: October 17, 2022
Subject: City of Dublin– Request to Allocate Tri-Valley Transportation Development Fee Funds in the amount of \$600,000 to the Iron Horse Trail Bicycle Pedestrian Overcrossing at Dublin Boulevard of the Tri-Valley Transportation Council Strategic Expenditure Plan Project C.11C

BACKGROUND

The Iron Horse Regional Trail is a major regional trail for pedestrians and bicyclists through central Alameda and Contra Costa Counties. The Trail currently passes through the cities of Livermore, Pleasanton, Dublin, San Ramon, Danville, Alamo, Walnut Creek, Concord, and unincorporated areas of the Counties of Contra Costa and Alameda. The Iron Horse Regional Trail has several existing bridges over busy roadways to help improve traffic flow on the roadways and pedestrian/bicycle movement along the Trail.

DESCRIPTION

The City of Dublin has begun construction of the Iron Horse Trail (IHT) Bicycle Pedestrian Overcrossing at Dublin Boulevard. The project will construct a pedestrian and bicycle bridge structure, support foundations, and graduated ramps facilitating connection to the existing at-grade trail on the north and south sides of Dublin Boulevard at the intersection of Scarlett Drive. The bridge ramps will also connect to Don Biddle Community Park, which is located on the north side of Dublin Boulevard adjacent to the Iron Horse Trail. The free-span bridge will be approximately 230 feet in length and provide a minimum of 17 feet of vertical clearance from the Dublin Boulevard surface. The entire length of the project, including landings north and south of Dublin Boulevard, as well as the bridge span itself, is approximately 1,200 feet.

The project will provide a safer and easier crossing for trail users and facilitate improved traffic flow along Dublin Boulevard by providing a grade-separated crossing over Dublin

TRI-VALLEY TRANSPORTATION COUNCIL

Boulevard for pedestrians, bicyclists, and BART commuters. The terminus of the southeasterly side of the bridge crossing leads directly to the Dublin-Pleasanton BART Station. The construction began in Spring 2022 and will complete in late Fall.

In August 2021, the Tri-Valley Transportation Council (TVTC) unanimously approved the TVTC Nexus Study update. Subsequently, on April 18, 2022, the TVTC unanimously adopted the 2022 Strategic Expenditure Plan (SEP) Update and SEP Funding Plan. The SEP includes Project C.11C Iron Horse Trail Bicycle Pedestrian Overcrossing at Dublin Boulevard. The SEP authorizes an appropriation of \$600,000 from the Tri-Valley Transportation Development Fund (TVTDF).

The TVTC Technical Advisory Committee (TAC) has determined that there is sufficient funding to allocate the \$600,000 in TVTDF this fiscal year 2022-23. Given that the City of Dublin is a member of TVTC and a signatory to the Joint Exercise of Powers Agreement pertaining to the TVTDF for traffic mitigation, Dublin is the Project Sponsor. In this capacity, the \$600,000 funds will be transmitted to the City of Dublin.

RECOMMENDATION

1. TVTC TAC recommends TVTC Board approve Resolution No. 2022-22; and
2. The Tri-Valley Transportation Council authorizes any related action to further the intent of this resolution.

ATTACHMENTS

- A. TVTC Resolution No. 2022-22
- B. 2022 TVTC SEP Funding Plan

TRI-VALLEY TRANSPORTATION COUNCIL

TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2022-22

A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL TO ALLOCATE \$600,00 IN TRI-VALLEY TRANSPORTATION DEVELOPMENT FEE (TVTDF) FUNDS TO THE CITY OF DUBLIN FOR STRATEGIC EXPENDITURE PLAN PROJECT C.11C IRON HORSE TRAIL BICYCLE- PEDESTRIAN OVERCROSSING AT DUBLIN BOULEVARD ROAD FOR FY 2022- 2023

WHEREAS, in 1995, the Tri-Valley Transportation Council (TVTC) adopted the “Tri-Valley Transportation Plan/Action Plan (TVTP/AP) for Routes of Regional Significance; and

WHEREAS, in 1998, the TVTC, and the City of Dublin entered into a Joint Exercise Powers of Agreement (JEPA) to provide authority to collect a Tri-Valley Transportation Development Fee (TVTDF) to collect impact fees for the traffic mitigation to be applied to TVTC priority projects; and

WHEREAS, on August 16, 2021 TVTC unanimously approved Resolution No. 2021-10 Adopting the Tri-Valley Transportation Council 2020 Nexus Fee Update Study; and

WHEREAS, on April 18, 2022, the TVTC unanimously approved Resolution No 2022-07 Adopting the Strategic Expenditure Plan (SEP) Update and SEP Funding Plan, which guides the expenditure of revenue collected from TVTDF; and

WHEREAS, the SEP identifies priorities, project sponsors, and funding for TVTDF projects; and

WHEREAS, the 2022 Strategic Expenditure Plan Update programmed \$600,000 in fiscal year 2022-23 for the Iron Horse Trail Bicycle Pedestrian Overcrossing at Dublin Boulevard(Project C-11C); and

WHEREAS, construction of the Project is underway and is anticipated to be complete in the spring of 2023; and

WHEREAS, the City of Dublin is the project sponsor and has requested project funding allocation.

TRI-VALLEY TRANSPORTATION COUNCIL

NOW THEREFORE, the Tri-Valley Transportation Council resolves as follows:

1. The TVTC authorizes the TVTC Administrator and Treasurer to transmit \$600,000 in funds from the TVTDF account to the City of Dublin, the project sponsor for the Iron Horse Trail Bicycle Pedestrian Overcrossing at Dublin Boulevard Project (Project C.11C);
2. The TVTC approves the draft Funding Agreement between TVTC and the City of Dublin substantially in the form attached hereto and incorporated herein as Exhibit A, subject to final review and minor modification by TVTC's General Counsel, and authorizes the Chair to execute the Funding Agreement;
3. The TVTC authorizes any related activities necessary to further the intent of this resolution.

PASSED, APPROVED AND ADOPTED at the meeting of October 17, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jean Josey, Chair
Tri-Valley Transportation Council

ATTEST:

Sai Midididdi, TVTC Administrative Staff

TRI-VALLEY TRANSPORTATION COUNCIL

EXHIBIT A

“Draft Funding Agreement”

FUNDING AGREEMENT BETWEEN THE TRI-VALLEY TRANSPORTATION COUNCIL AND CITY OF DUBLIN FOR THE ALLOCATION OF TVTDF FUNDS IN THE AMOUNT OF \$600,000 FOR THE IRON HORSE TRAIL BICYCLE PEDESTRIAN OVERCROSSING AT DUBLIN BOULEVARD PROJECT (Project C.11C)

This AGREEMENT is made and entered into as of _____, 2022 by and between the Tri-Valley Transportation Council and the City of Dublin (DUBLIN), collectively referred to herein as the “Parties.”

RECITALS

- A. **WHEREAS**, DUBLIN, as one of the members of the Tri-Valley Transportation Council (“TVTC”), is a signatory to the Joint Exercise of Powers Agreement pertaining to the Tri-Valley Transportation Development Fee (“TVTDF”); and
- B. **WHEREAS**, the Iron Horse Trail Bicycle Pedestrian Overcrossing at Dublin Boulevard Project (“Project”) is identified on List C of the TVTC Strategic Expenditure Plan (“SEP”) and is programmed for funding in the SEP Funding Plan; and
- C. **WHEREAS**, DUBLIN is the Project sponsor and requested a TVTDF funding allocation; and
- D. **WHEREAS**, pursuant to Resolution No. 2022-23, TVTC approved the allocation of \$600,000.00 of TVTDF funds to DUBLIN for the Project; and
- E. **WHEREAS**, the Parties desire to enter into this Funding Agreement to outline the terms and obligations associated with the allocation of TVTDF funds;

NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

TRI-VALLEY TRANSPORTATION COUNCIL

SECTION I

TVTC AGREES:

- A. To allocate and transmit to DUBLIN \$600,000.00 of TVTDF funds for the Project.

DUBLIN AGREES:

- A. To utilize the TVTDF funds solely for the Project, in accordance with the SEP.
- B. To keep and maintain accurate documentation consistent with Generally Accepted Accounting Principles (GAAP) related to the expenditure of the TVTDF funds allocated for the Project.
- C. To make any and all documentation related to the Project's use of TVTDF funds available to TVTC or its representatives upon request.
- D. To promptly notify TVTC of any unspent TVTDF funds after Project completion and promptly return said funds to TVTC.

SECTION II

IT IS MUTUALLY AGREED:

- A. Any notice given under this Funding Agreement shall be in writing and shall be deemed given if delivered personally or mailed by registered or certified mail or commercial overnight courier, return receipt or confirmation of delivery requested, or by facsimile transmission with voice confirmation of receipt, the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

If to DUBLIN:

Pratyush Bhatia, Transportation and Operations Manager
City of Dublin
Transportation Division
100 Civic Plaza
Dublin, CA 94568
Pratyush.bhatia@dublin.ca.gov

If to TVTC:

Sai Midididdi, T.E
Attention: TVTC Administrator
City of Dublin
100 Civic Plaza
Dublin, CA 94568
Sai.midididdi@dublin.ca.gov

SIGNATURES ON THE NEXT PAGE

TRI-VALLEY TRANSPORTATION COUNCIL

CITY OF DUBLIN

A Municipal Corporation
"DUBLIN"

, Mayor

APPROVED AS TO FORM:

, City Attorney

ATTEST:

, City Clerk

City Council Resolution No.

TRI-VALLEY TRANSPORTATION COUNCIL

Jean Josey, Chair

APPROVED AS TO FORM:

Steven Mattas, TVTC Counsel

ATTEST:

Sai Midididdi , TVTC Administrator

TRI-VALLEY TRANSPORTATION COUNCIL

Item 6

Jean Josey
TVTC Chair
Vice Mayor
Dublin
(925) 833-2530

Newell Arnerich
TVTC Vice Chair
Mayor
Town of Danville
(925) 918-3999

David Haubert
Supervisor District 1
Alameda County
(925) 551-6995

Candace Andersen
Supervisor District 2
Contra Costa
(925) 957-8860

Brittini Kiick
Councilmember
City of Livermore
(925) 960-4019

Karla Brown
Mayor
City of Pleasanton
(925) 931-5001

Scott Perkins
Councilmember
San Ramon
(925) 973-2544

To: Tri-Valley Transportation Council (TVTC)
From: TVTC Technical Advisory Committee (TAC)
Date: October 17, 2022
Subject: TVTC 2023 Board Meeting Schedule

TVTC 2023 Meeting Schedule:

January 23, 2023 at 4:00 pm – Zoom Teleconference or City of Dublin TBD, City of Dublin, 100 Civic Plaza, Dublin, 94568

*****February 13, 2023 at 4:15 pm** – *Finance Subcommittee Meeting, Zoom Teleconference*

*****March 1, 2023 at 4:00 pm** – *Finance Subcommittee Meeting, Zoom Teleconference*

April 17, 2023 at 4:00 pm – Teleconference or City of Dublin TBD
City of Dublin, 100 Civic Plaza, Dublin, 94568

July 17, 2023 at 4:00 pm – Teleconference or City of Dublin TBD
City of Dublin, 100 Civic Plaza, Dublin, 94568

October 16, 2023 at 4:00 pm – Teleconference or City of Dublin, TBD
City of Dublin, 100 Civic Plaza, Dublin, 94568

****Finance subcommittee dates included for informational purposes and subject to member availability*

RECOMMENDATION

ADOPT the 2023 TVTC Board Meeting Calendar.