



Item No. 12 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: MICHAEL KASHIWAGI, COMMUNITY SERVICES DIRECTOR

DATE: MARCH 15, 2017

**SUBJECT: AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL
FOR DESIGN DOCUMENTS; AUTHORIZE THE FILING OF AN
APPLICATION FOR FUNDING TO MTC; AND AUTHORIZE
AGREEMENT TO COMPLY WITH ASSEMBLY BILL 2135, MTC
SURPLUS LAND ACT**

RECOMMENDATION

1. Authorize issuance of a Request for Proposal (RFP) to develop design and bid documents for bicycle facility improvements on Middlefield Road between San Mateo County and City of Menlo Park.
2. Adopt the attached Resolution No. 17-XX to authorize local support for the filing of an application for funding to MTC.
3. Adopt the attached Resolution No. 17-XX to authorize the agreement to comply with the Assembly Bill 2123, MTC Surplus Land Act for San Francisco Bay Area Cities and Counties.

BACKGROUND

At the February 4, 2015 Council meeting, Council authorized staff to submit an application for Transportation Development Act (TDA) funds and adopted Resolution No. 15-03 committing matching funds for the referenced project. The Middlefield Road Class II Bicycle Lanes improvements were identified and prioritized in the Town's Bicycle and Pedestrian Master Plan. The project focuses on improving access for students, families, residents and visitors biking on Middlefield Road between San Mateo County and the City of Menlo Park. Specific improvements include widened bicycle lanes by improving shoulder conditions, restripe with high-visibility green markings at conflict zones and increased signage/way findings.

ANALYSIS

The One Bay Area Grant 2(OBAG 2) Local Streets and Roads (LSR) Preservation Program funds projects that preserve conditions of local streets and roads on the federal-aid system; and can be geared towards Bicycle Pedestrian Improvement Program (BPIP) projects that encourage enhancing bicycling and pedestrian facilities. The LSR money is state funds that are distributed by the Metropolitan Transportation Commission (MTC) to the City/County Association of Governments of San Mateo County (C/CAG) each year. The program has funding available for Fiscal Year (FY) 18/19 in San Mateo County. C/CAG received 21 applications requesting a total of \$1,068,000. In May 2017, the C/CAG Board will authorize the adoption of the County's FY 18/19 LSR program.

The planning level budget completed as part of the Bicycle and Pedestrian Master Plan estimated that the cost to design plans and specifications for the Middlefield Road Class II Bicycle Lanes Project to be \$120,000 and construction was estimated to be \$719,000. During the design phase, staff anticipates reducing the estimated project cost. Staff believes that the estimated cost of \$1,550,000 within the Town's approved 5-Year CIP is overstated based on preliminary estimates contained within the Bicycle and Pedestrian Master Plan.

The OBAG 2 application is for \$240,000 towards the construction phase in LSR funds with an 11.47% Town match (from the Town's CIP). There are two requirements for receiving LSR funds: 1) proof of local support for the project via a City Council Resolution; and 2) agreement to comply with the San Francisco Bay Area Cities and Counties MTC Surplus Land Act. Staff does not believe the Town's commitment to compliance with the Surplus Land Act presents any impediment to its grant application. At present, the Town does not have Surplus Land as defined by the Act. A full copy of the Surplus Land Act can be found at the following link:

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=5.&article=8

It is unlikely that the Town would acquire and/or dispose of such land in the future and there are specified exemptions under the Act that would likely apply to currently owned or contemplated land.

If Council approves the attached recommended resolutions, staff will develop a Request for Proposal (RFP) for a design consultant to develop plans, specifications and estimates (PS&E) for the project. The Consultant will consider the pedestrian and vehicular traffic growth associated with the adjacent Menlo Atherton High School Master Plan Expansion project while designing the Class II Bicycle Lane improvements. Stakeholder agencies will be involved in the discussions of this project (agencies include Menlo Fire Protection District, Menlo Park, County of San Mateo, Redwood City, and Caltrans)

POLICY FOCUS

The Middlefield Road Class II Bicycle Lanes Project was identified in the November 2014 accepted Bicycle and Pedestrian Master Plan as the number one Class II bike lane priority project

and is in the Council approved capital improvement program (CIP) FY 2016/17. The project is consistent with the primary goal of advancing projects that promotes increased safety and levels of non-motorized activity throughout the Town.

FISCAL IMPACT

This project will be funded by the 2017/18 CIP Bike and Pedestrian Master Plan Implementation Program – Project #56069. The Town will be reimbursed by an OBAG 2 LSR grant in the construction phase of \$240,000. The Town's share for this grant will require an 11.47% match. This amount is budgeted within the FY 2016/17 CIP for this project.

As mentioned prior, the project was budgeted at \$1,550,000; however, staff anticipates that in final design, estimated construction costs will be far less than the identified cost. The funds contemplated for the project are allocated from the Town's Capital Improvement Fund. Once design is complete and construction estimates are obtained, the surplus funds can be reallocated as appropriate.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

- Attachment 1: Local Support Resolution
- Attachment 2: MTC Surplus Land Resolution

Resolution of Local Support
Resolution No. 17-_____

Authorizing the filing of an application for funding assigned to MTC and committing any necessary matching funds and stating assurance to complete the project

WHEREAS, ATHERTON (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$240,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the 2017/2018 MIDDLEFIELD ROAD CLASS II BIKE LANES (herein referred to as PROJECT) for the OBAG 2 LOCAL STREETS AND ROADS PRESERVATION PROGRAM (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution

- No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
 - that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
 - that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
 - that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
 - in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
 - in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
 - in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the

expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 15th day of March, 2017, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Michael Lempres, Mayor

ATTEST:

Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

Instructions for Using the Resolution of Local Support

- A project sponsor receiving Surface Transportation Block Grant Program (STP), Congestion Mitigation Air Quality Improvement Program (CMAQ), Active Transportation Program (ATP), Regional Improvement Program (RIP), or other regional discretionary funds must adopt a resolution of local support prior to grant funds being added to the Transportation Improvement Program (TIP). The template to be used is found on the MTC website: <http://mtc.ca.gov/our-work/fund-invest/federal-funding/obag-2>
- Sponsors should always use the template posted on the website to ensure they have the latest version.
- The sponsor may not make changes to the template with the exception of format changes or additional language to suit the jurisdiction's resolution conventions. These changes may not modify or condition / limit the MTC resolution language. If your legal counsel feels strongly about making language changes given specific circumstances surrounding a project, he/she needs to discuss these with the MTC General Counsel.
- The three bulleted statements on page 2 of the resolution that apply to transit, highway, and RTIP projects may be deleted, if they do not apply.
- After a project sponsor has adopted a resolution of local support for a project, it does not need to go back to the board if the project subsequently receives additional grants from the above fund sources, unless the project scope has changed significantly. If there are scope changes the sponsor should consult with MTC programming staff.
- The resolution of local support must be transmitted to MTC when a project / grant funds are added to the TIP. The sponsor will attach a PDF of the adopted resolution to the Fund Management System (FMS) application when the sponsor requests a TIP amendment. A schedule containing upcoming due dates for TIP revisions can be found at: <http://mtc.ca.gov/our-work/fund-invest/tip/tip-revisions-and-amendments>

If you have further questions regarding the resolution please contact the following MTC staff:

Mallory Atkinson (STP/CMAQ funds) at matkinson@mtc.ca.gov or 415-778-6793
Kenneth Kao (ATP/RIP funds) at kkao@mtc.ca.gov or 415-778-6768
Adam Crenshaw (TIP and FMS) at acrenshaw@mtc.ca.gov or 415-778-6794

**MTC Surplus Land Resolution
For San Francisco Bay Area Cities and Counties**

Resolution No. 17-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
TO COMPLY WITH ASSEMBLY BILL 2135, SURPLUS LAND ACT**

WHEREAS, the San Francisco region has the highest housing costs in the United States;
and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing;

WHEREAS, the Metropolitan Transportation Commission adopted Resolution No. 4202, outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 2), including certain requirements to access these funds;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton, State of California, as follows:

That the Town of Atherton agrees to comply with the terms of Surplus Land Act - Assembly Bill 2135 (California Government Code § 54220, et seq.), as exists now or may be amended in the future.

PASSED AND ADOPTED by the City Council of the Town of Atherton, State of California, on March 15, 2017, by the following vote:

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 15th day of March, 2017, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Michael Lempres, Mayor

ATTEST:

Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney