



Office of the City Manager

CONSENT CALENDAR
July 11, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Accepting grant funds from the Alameda County Transportation Commission for the Berkeley Pier Water Transportation / Ferry Project Design Phase

RECOMMENDATION

Adopt a Resolution to accept the Alameda County Transportation Commission grant allocation for the design phase of the Berkeley Pier Water Transportation/ Ferry Project in the amount of \$5,138,685, confirming the City's commitment to the Alameda County Transportation Commission grant requirements, and authorizing the City Manager to execute the associated grant agreement and amendments.

FISCAL IMPACTS OF RECOMMENDATION

The grant provides \$5,138,685 of Alameda County Transportation Commission administered funds to support the development of plans, specifications and cost estimates, as well as environmental review, for the Berkeley Pier Water Transportation / Ferry Project. Required matching funds shall be provided by other grants, City staff costs, and contributions from the Water Emergency Transportation Authority (direct contributions and staff time).

CURRENT SITUATION AND ITS EFFECTS

On May 31, 2022, Council adopted a resolution authorizing the City Manager to submit grant applications to the Alameda County Transportation Commission (Alameda CTC) for funding through the County's Fiscal Year (FY) 2024 – FY 2028 Comprehensive Investment Plan, and authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds. This included an application for the Berkeley Pier Water Transportation / Ferry Project for an amount up to \$3,000,000 (Reso No. 70,399-N.S.).

On December 13, 2022, Council adopted a resolution authorizing the City Manager to execute grant contracts with the State Coastal Conservancy (SCC) to receive the FY2022 State Budget allocation of \$15 Million for improvement projects at the Berkeley Waterfront, which includes \$2,961,000 allocated for the environmental review and preliminary design of the Berkeley Pier / Ferry Project (Reso No. 70,629-N.S.). The allocation of \$2.961M from the SCC allowed the City to modify its Alameda CTC grant

application to increase the grant request from \$3M to \$5,138,685 to fund the development of Project plans, specifications and cost estimates. At its meeting on May 25, 2023, Alameda CTC awarded \$5,138,685 in Alameda CTC Administered funds to the City of Berkeley for the implementation and delivery of the design phase (development of Project plans, specifications and cost estimates, PSE) and environmental review.

Alameda CTC has requested that all grantees adopt a post-award resolution to reflect the final award value, and to confirm:

- City's commitment to secure matching funds against the awarded Alameda CTC administered funds; and
- City's commitment to provide any additional funding required to delivered the awarded phase of the Project, with an understanding the same shall not be funded with additional Alameda CTC administered funds; and
- City's commitment to implement the awarded phase(s) of the Project as described in the funding application and the subsequent funding agreement between Alameda CTC and the City; and
- City's commitment to comply with the Alameda CTC Project Funding Agreement; and
- City's commitment to comply with the applicable requirements set forth in Alameda CTC's Local Business Contract Equity ("LBCE") Project for professional services and construction contracts funded with Measure B, Measure BB and/or VRF funds, and abide by the LBCE procedures in the applicable solicitations and contracts; and
- There is no pending or threatened litigation that might in any way adversely affect City's ability to implement and deliver the proposed Project; and
- Authorization for its City Manager or designee to execute the agreement; and
- City will provide Alameda CTC with a fully-executed copy of the resolution confirming these commitments.

BACKGROUND

In 2018, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) staff met with City of Berkeley staff to begin a dialogue about potential new ferry service in Berkeley. In early 2019, WETA and the City allocated funding and entered into a Memorandum of Understanding (MOU) for the conceptual planning phase of the Project. The City conducted a year-long study to identify technical constraints and to engage the community and receive public feedback. On December 7, 2021, City staff presented the preferred concept of a dual-purpose recreation and ferry pier to Council.

The Alameda CTC administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee, 2014 Measure BB, CMA-TIP, and Transportation Fund for Clean Air

Programs. Prior to the receipt of any Alameda CTC funds, the City shall be required to enter into a Project Funding Agreement with Alameda CTC.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The design phase of the Berkeley Pier Water Transportation / Ferry Project has no climate impacts. The City's Climate Action Plan identified public transit as a more sustainable form of transportation, and sets a goal to expand under-used modes of transportation, such as ferry service at the Berkeley Marina that would connect to San Francisco and other locations.

RATIONALE FOR RECOMMENDATION

Grant funding allows the City to develop the plans, specifications and cost estimates, as well as conduct environmental review, for the Berkeley Pier Water Transportation / Ferry Project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

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Liza McNulty, Project Manager, Parks, Recreation & Waterfront, (510) 542-4131

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

ACCEPTING FUNDS FROM THE ALAMENDA COUNTY TRANSPORTATION
COMMISSION FOR THE BERKELEY PIER WATER TRANSPORTATION / FERRY
PROJECT

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee, 2014 Measure BB, CMA-TP, and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “Alameda CTC Administered Funds”; and

WHEREAS, City of Berkeley submitted a funding application (“application”) to the Alameda County Transportation Commission (“Alameda CTC”) for the design phase of the Berkeley Pier Water Transportation / Ferry Project (“Project”); and

WHEREAS, the funding will facilitate the design phase of the Project, including the development of plans, specifications and cost estimates (“PSE”) and environmental review; and

WHEREAS, by action of the Alameda CTC at its meeting held on May 25, 2023, Alameda CTC awarded \$5,138,685 in Alameda CTC administered funds to the City of Berkeley for the implementation and delivery of the PSE and environmental review phase (“Awarded Phase”) of Project; and

WHEREAS, prior to receipt of any Alameda CTC Administered Funds, City of Berkeley shall be required to enter into a Project Funding Agreement with Alameda CTC for the Project (“Agreement”) based on Alameda CTC’s form therefor, which Agreement shall set forth certain project-specific requirements applicable to the Project; and

WHEREAS, as part of the requirements to receive Alameda CTC Administered Funds awarded to the Project, Alameda CTC requires a resolution accepting the awarded funding to be adopted by the City of Berkeley’s governing body confirming the following:

1. City of Berkeley’s commitment to secure matching funds against the awarded Alameda CTC Administered Funds; and
2. City of Berkeley’s commitment to provide any additional funding required to deliver the Awarded Phase of Project, with an understanding the same shall not be funded with additional Alameda CTC Administered Funds; and
3. City of Berkeley’s commitment to implement the Awarded Phase of Project as described in the funding application and the subsequent funding agreement between Alameda CTC and the Fund Recipient; and
4. City of Berkeley’s commitment to comply with the Agreement; and
5. City of Berkeley’s commitment to comply with the applicable requirements set forth in Alameda CTC’s Local Business Contract Equity (“LBCE”) Program for professional services and construction contracts funded with Measure B,

Measure BB, and/or VRF funds, and abide by the LBCE procedures in the applicable solicitations and contracts.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City of Berkeley agrees to accept award of \$5,138,685 in Alameda CTC Administered Funds; and

BE IT FURTHER RESOLVED that City of Berkeley, by adopting this resolution, does hereby state that:

1. City of Berkeley will provide a minimum of \$5,138,685 in matching funds for the design phase, anticipated to be from a combination of City, other grants and the San Francisco Bay Area Water Emergency Transportation Authority; and
2. City of Berkeley understands that the City shall be responsible to provide any additional funding required to deliver the Awarded Phase of Project, and the same shall not be funded with additional Alameda CTC Administered Funds; and
3. Awarded Phase of the Project will be implemented as described in the Application, Agreement, and in this resolution; and
4. City of Berkeley will comply with the Agreement; and
5. City of Berkeley will comply with the applicable requirements set forth in Alameda CTC's LBCE Program; and

BE IT FURTHER RESOLVED that by accepting the award, the City of Berkeley does not commit to approving the construction of the Berkeley Pier Water Transportation / Ferry Project and the City reserves its full discretion to mitigate environmental impacts, select other feasible alternatives that will avoid environmental impacts, balance the benefits of any future actions against the environmental impacts, or decline to carry out the Project, all based upon information generated by the environmental review process;

BE IT FURTHER RESOLVED that City of Berkeley hereby confirms that there is no pending or threatening litigation that might in any way adversely affect City's ability to implement and deliver the proposed Project; and

BE IT FURTHER RESOLVED that City of Berkeley authorizes its City Manager, or designee, to execute the Agreement; and

BE IT FURTHER RESOLVED that City of Berkeley shall provide Alameda CTC with a fully-executed copy of this Resolution.

