



Office of the City Manager

CONSENT CALENDAR
July 9, 2019

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director of Parks, Recreation and Waterfront
 Subject: Grant Application: The PCA Grant Program for the Marina Blvd Bay Trail Shoreline Vulnerability and Public Access Improvement Project

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager or her designee to submit a funding application to the Priority Conservation Area (PCA) grant program for \$2 million in federal funds for the Marina Blvd Bay Trail Shoreline Vulnerability and Public Access Improvement Project;
2. Committing local City matching funds in the amount of \$260,000; and
3. Stating the City's assurance as to its ability and intent to complete the project.

FISCAL IMPACTS OF RECOMMENDATION

The total project budget is estimated at \$2,260,000 and funding is comprised of the following: a) a Priority Conservation Area (PCA) grant of \$2 million from the Metropolitan Transportation Commission (MTC); and \$260,000 in local City matching funds that will be budgeted for the project in FY 2021, and appropriated as part of the First Amendment to the FY 2021 Annual Appropriation Ordinance, subject to securing the grant.

CURRENT SITUATION AND ITS EFFECTS

On April 29, 2019, the City was invited to submit an application to the Priority Conservation Area (PCA) grant program of the State Coastal Conservancy and the Metropolitan Transportation Commission (MTC) by July 15, 2019. In order for the funding to be approved by the MTC board, the City is required to adopt a Resolution of Local Support.

BACKGROUND

The shoreline at the northern section of Marina Blvd at the Virginia Street Extension has experienced extensive erosion and is vulnerable to the impacts of sea level rise. The City proposes a project to improve the riprap rock protection at the shoreline, create a formal ADA accessible parking area, and upgrade the Bay Trail to Cesar Chavez Park.

On March 1, 2019, the City submitted a Letter of Interest to the PCA Grant program proposing the Marina Shoreline Public Access Improvement Project. On April 29, 2019, the City was invited to submit a formal application.

ENVIRONMENTAL SUSTAINABILITY

This project will improve the northern section of Marina Blvd at the Virginia Street Extension that is vulnerable to sea level rise and also will provide improved public access to Cesar Chavez Park. This area attracts up to 10,000 visitors to the area per year. This improvement will help foster environmental education and increased stewardship of the Bay.

RATIONALE FOR RECOMMENDATION

In order to receive federal funds from the Metropolitan Transportation Commission, the City is required to adopt a Resolution of Local Support.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roger Miller, Senior Management Analyst, 981-6704

Attachments:

1: Resolution

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

AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, City of Berkeley (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$2 million 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 (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 Marina Blvd Bay Trail Shoreline Vulnerability and Public Access Improvement Project (herein referred to as PROJECT) for the Priority Conservation Area 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 federal funds; 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:

1. the commitment of any required matching funds; and
2. 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
3. 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
4. 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
5. that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
7. 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
8. 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
9. 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
10. 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 by the Council of the City of Berkeley 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 for continued funding.

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide any required matching funds; and
2. 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
3. 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 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 projects implemented by APPLICANT; and
4. 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
5. 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
6. PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
7. 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
8. 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
9. 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.

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT.

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds.

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.

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.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

BE IT FURTHER RESOLVED that the City Manager or her designee is authorized to 1) accept the grant; and 2) execute any resultant revenue agreements and amendments.

BE IT FURTHER RESOLVED that the APPLICANT authorizes the implementation of the projects and appropriation of funding for related expenses, and authorizes the expenditure of up to \$260,000 from local City funds as match, subject to securing the grant.

BE IT FURTHER RESOLVED that a record signature copy of said agreements and any amendments to be on file in the APPLICANT'S Office of the City Clerk.