

**West Contra Costa Transportation Advisory Committee
May 27, 2011 Meeting Minutes**

Members Present: Roy Swearingen, Chair (Pinole); Janet Abelson, Vice-Chair (El Cerrito); Courtland Boozé* (Richmond); Tom Hansen (WestCAT); Don Kuehne (Hercules); Joel Keller (BART); Joe Wallace (AC Transit). Absent: Tom Butt (Richmond); John Gioia (County); Genoveva Calloway (San Pablo); Jeff Ritterman (Richmond). * arrived late

Staff Present: Christina Atienza, Valerie Jenkins, Joanna Pallock, John Rudolph, Linda Young; Michael Rodriguez, Legal Counsel

Location: San Pablo Council Chambers, 13831 San Pablo Avenue, San Pablo, CA 94806

1. Call to Order and Self-Introductions. Chair Roy Swearingen called the meeting to order at 8:02 a.m.

10. Hercules Request for \$300,000 Advance in Subregional Transportation Mitigation Fee Program (STMP) Funds for the Intermodal Transit Center Project. Discussion on this item was moved by the Chair in order to hear the presentation of Mr. Charlie Long, Executive Manager of the Hercules Waterfront project, who needed to leave the meeting by 8:30 a.m.

ACTION: Director Keller moved to approve Hercules' request for a \$300,000 advance of STMP funds for the Intermodal Transit Center on three conditions: 1) allocation of the funds would be after July 1, 2011, 2) approval by the CTC of Hercules' extension request on STIP funds programmed to the project, and 3) demonstration by the City at the June Board meeting of progress toward environmental clearance and land acquisition that is to the Board's satisfaction; seconded by Director Hansen; passed unanimously.

DISCUSSION: Mr. Long requested Board consideration of Hercules' request for \$300,000 of STMP funds for the Hercules Intermodal Transit Center project. Mr. Long stated that the Hercules City Council on April 26 unanimously appropriated \$471,000 to the project, which, with a \$200,000 reimbursement from East Bay Regional Park District, would allow completion of work associated with environmental clearance and right-of-way acquisition. Mr. Long described the recommendation of the TAC to advance the funds on three conditions: 1) approval by the California Transportation Commission of an extension on STIP funds committed to the project in the amount of \$9.1 million, which was about to expire; 2) the allocation would be after July 1st; and 3) the City would demonstrate substantial progress toward acquisition of right-of-way and completion of the environmental analysis.

Chair Swearingen asked Mr. Long to explain the contingencies for the \$300,000 request, Mr. Long stated that the TAC wanted to ensure that this \$300,000 funded the continuation of the project after the land acquisition and the environmental analysis. Construction is scheduled to start in April 2012. Chair Swearingen asked Mr. Long to address how much money

existés currently. Mr. Long referred to page 10-15 in the agenda packet which summarizes the funding to date. The total cost is \$58 million. \$31.4 million is in the pipeline. \$35.8 million is being pursued. There is a funding gap of \$27 million. Mr. Long stated that rounding up the additional funds seems likely. Chair Swearingen asked what the \$58 million will provide. Mr. Long outlined the Intermodal Transit Center will include a parking lot, rail station, bridge overcrossing, creek mitigations, a bus hub and improvements and extension to the Bay Trail, and confirmed that the ferry service is not part of this phase. Mr. Long noted that the City agrees with the TAC's recommendation, which he understood to be motivated by a desire to ensure productive use of the funds.

Vice Chair Abelson discussed the previous decision to move funds from the Del Norte BART parking garage to fund the Hercules Park and Ride lot under Measure C. This resulted in a shift of funds from Measure C to the allocation of the last project on the STMP list for the Del Norte BART Transit Oriented Development (TOD). Ms. Atienza responded by referring to page 10-7 in the packet, which contained a list of all the STMP projects. Vice Chair Abelson brought the discussion back to her question about what can be done now that the anticipated revenues from STMP have not generated sufficient funds for all the projects on the STMP list. She asked what the priorities are and expressed concerns with allocating funds based on whoever comes first, receives funding. She asked that decisions be made on priorities.

Ms. Atienza referred to page 10-2 of the Board memo and explained that the TAC has recommended the following priorities and she added that the Board can change or create new priorities. The TAC's recommendations are to rank projects based on the following possible priorities: 1) allow use for emergency situations, such as the case for the Hercules request; 2) allow use as local matching funds, such as was done for the last BART request; and 3) reserve as potential seed money for new projects. Ms. Atienza stated that there was no particular order for these priorities.

Chair Swearingen asked Mr. Long to explain how this request is an emergency situation. Mr. Long referred the Board to page 10-11 in the packet. The City is experiencing hardships in the General Fund and lay-off notices went out to 25 people. The City's asset base is limited. The Redevelopment Agency has a negative balance. \$32 million in bonds for real estate are probably worth half that amount. The City Council is working on figuring out the liabilities against the assets over the next 60 days. He stated that this \$300,000 request comes at a time when the City is experiencing a financial emergency and he has pulled together a citizens task force to address the City's fiscal issues.

Chair Swearingen asked Director Hansen for his input on the project's relevance to WestCAT. Director Hansen stated that the project is an important part of the transit system operations. Chair Swearingen asked Director Keller about the history of BART in Hercules and the current Park and Ride transit center in Hercules. Director Keller mentioned the land swap that resulted in the current location of the Hercules Transit Center, and noted that there is a chance but there are challenges. He stressed the importance of the use of the express bus service from Hercules, and of this project for the Capital Corridor service of which Director Keller is on that board as well.

Director Keller asked Mr. Long when the CTC will hear about the STIP extension. Mr. Long stated CTC will hear the request on June 14, and added that the request is supported by CCTA and MTC.

Vice Chair Abelson asked to revisit her original question. She asked how does the Board deal with the fact that STMP funds will not fund all of the projects on the current list? She followed up by asking what priorities will be used in light of the negative state of economy? Ms. Atienza reviewed the options again that the TAC proposed for setting criteria and asked the Board if they would like to consider prioritizing these three recommendations from the TAC or to add new ones. She added that criteria for prioritizing projects could include project readiness, potential to remove cars off I-80, or overall importance to the region; and asked the Board for direction. Vice Chair Abelson stated there is no need to prioritize the strategies, noted that it's not an appropriate approach because it ignores the reality of not having the revenues to fund what's on the STMP list, and recommended that the Board look at revising the list. Chair Swearingen asked if the Hercules request could be discussed first due to Mr. Long's schedule constraints, and the general matter could be discussed later in the agenda. Vice Chair Abelson agreed to postpone her question, and stated that the Board needs to discuss this at some point before hearing any additional requests for funds.

Director Boozé asked Mr. Long if the project was shovel-ready. Mr. Long said no, but the Phase 1 has 90% design completion. He added that EBRPD is the lead agency on a number of project components, and they are set. He referred to page 10-15 and reviewed the funding sources to date. Director Boozé asked what is the final amount is needed. Mr. Long responded that the project needs \$27 million.

Charlie Long thanked the Board for the opportunity to make the presentation, and apologized for having to leave early. He finally noted that the project has strong community support and referred to Mr. Jerry Parsons in the audience, who was there to communicate his support.

Mr. Jerry Parsons addressed the Board to add his support for the funding request from Hercules. He stated that this should be the number one regional project in West County because it provides access to the Capital Corridor train as well as creating a world class facility that connects the Bay Trail. Director Boozé asked Mr. Parsons how it would take cars off I-80. Mr. Parsons explained his personal commute and described how a train from the transit center would eliminate transferring from one bus to another. Director Boozé followed up with questions about the use of Capital Corridor from Sacramento. Mr. Parsons responded that most of the employees in the Social Security office do not stay or live in Richmond and Hercules deserves to have service too.

Chair Swearingen asked Director Kuehne if he wanted to add anything. Director Kuehne stated that the Hercules City Council is committed to this project and retaining funding is critical so the city does not lose the grants.

Chair Swearingen asked Vice Chair Abelson to return to her concerns voiced earlier regarding the overall strategy for using STMP funds. Vice Chair Abelson asked that the

money from STMP be reevaluated and brought back as a future agenda item. She added that the current money WCCTAC has available is a different topic and needs to be reprioritized. She wants to reevaluate the current STMP list so that the money is not given out to programs as they come before the Board. Chair Swearingen concurred and stated that the project is on the current STMP list. Director Keller asked to consider that after the Hercules discussion is done, so that the timing of this request is not delayed.

Director Keller moved to approve the TAC's recommendation, seconded by Director Hansen. Director Boozé moved to table the motion and put this item on next month's meeting because he wanted more information, and asked if there would be any harm in that. Ms. Atienza clarified that moving the item to the following month would not result in any change to the conditions stipulated by the TAC because the environmental clearance and land acquisition would not be completed by then. Chair Swearingen stated his understanding of Mr. Long's request was that the land acquisition was 90% completed. Ms. Atienza stated that her understanding is that the process for acquiring the land is going to take many months and they can demonstrate that they are making progress towards that, but that they need the \$300,000 sooner.

Director Boozé asked to amend the motion to place the decision to the next meeting and have Mr. Long return to clarify the funding request. He asked that the Board receive more information on the situation that Hercules is experiencing. Vice Chair Abelson seconded the motion to table the motion to the next meeting.

Director Keller pointed to the memo on page 10-8 that explains that funds are to be used prior to construction and reviewed the three conditions that Hercules has agreed to, which states that they would demonstrate progress toward completion of the environmental and land acquisition tasks. He stated that the three conditions were accepted by Hercules and there is a high degree of security that these funds will be used for the intent the Board approved them for. Director Boozé stated he wants to talk to Mr. Long and Ms. Atienza before committing to approving these funds and asked to postpone the motion for 30 days. Director Hansen mentioned that the TAC recommendation states "demonstrating progress" and not that the land has to be acquired. Chair Swearingen concurred.

Ms. Atienza stated that there will be no new information available to inform the Board in 30 days from now. She added that the Board will have the same information and the land will not be acquired by the June Board meeting. A postponement will not buy anything unless the Board wants to tie it into the STMP priorities discussion.

Director Boozé made a motion to table the original motion for discussion next month to get clarification. Chair Swearingen called for a vote. Legal Counsel Rodriguez stated that the motion cannot be tabled until it is voted on or until the original maker of the motion withdraws the motion from the floor or agrees to an amendment to the original motion. Vice Chair Abelson asked if a substitute motion could be put on the floor. Legal Counsel Rodriguez clarified that the only way to change the motion is if Director Keller agrees to remove his motion or agree to amend it.

Director Keller expressed the need to get consensus on the motion. He stated that the conditions outlined in the letter from Hercules dated May 17th, 2011 show that the City supports the conditions laid out by the WCCTAC technical advisory committee. He also noted that the money does not need to be issued until July 1st, so if the item is continued to June, the three conditions can still be met at the June Board meeting. This would provide a high degree of security to assure that funds are not used for anything else and WCCTAC is in no danger of the funds being expended.

Director Keller asked Director Kuehne if a 30-day delay would jeopardize the project's ability to move forward. Director Kuehne stated that he can't speak for Charlie (Mr. Long) but if WCCTAC does not support it today, it is not as positive a message from WCCTAC. He noted that would like for there to be positive support from the Board. If something changes from what we anticipated, the Board can make a change in June.

Director Keller sought to amend his motion. He stated he is continuing with the original motion and adding that the Board conduct further discussions on the matter in June. He stated it is important for Director Kuehne to get a positive vote for Hercules and this also addresses Director Boozé's concern with reviewing the request again in June. Director Boozé asked if there was a chance to change the decision if something came up between now and the June meeting. Chair Swearingen said the Board can reconsider or rescind the allocation.

Chair Swearingen asked if Director Hansen, who seconded the original motion, agreed to the amended motion. Director Hansen seconded the amended motion. Chair Swearingen called the question to amend the motion; passed unanimously. Chair Swearingen called the question on the amended motion; passed unanimously.

Vice Chair Abelson also asked the staff to bring to the Board a revised STMP plan in light of the declining revenues, and that no further requests be brought to the Board until after this has been accomplished. Ms. Atienza agreed.

CONSENT CALENDAR

ACTION: Ms. Atienza asked to pull Item 9 for further discussion. Vice Chair Abelson moved to approve items 3-8; seconded by Director Boozé; and passed unanimously.

- 3. Approve Minutes of April 22 Board Meeting, and Receive Summaries of April 14th TAC Meeting.**
- 4. Program and Projects Status Report for May 2011.**
- 5. Financial Report for March 2011.**
- 6. Notice of Payment of Invoice Over \$10,000.**
- 7. SRTS Ad Hoc Recommendations forwarded to CCTA.**
- 8. West County Specific Recommendations to CCTA for the 2011 Measure J Strategic Plan Update.**

DISCUSSION ITEMS

9. Contribution of \$1,800 out of WCCTAC General Funds to Contra Costa Health Services for Project Homeless Connect 7 Event.

ACTION: Director Boozé moved to approve the Contra Costa County Health Department request for \$1,800 to cover transportation costs for the Project Homeless Connect Seven event; seconded by Director Keller; passed by majority vote. Ayes: Keller, Wallace, Swearingen, Boozé, Kuehne, Swearingen; Noes: Abelson, Hansen.

DISCUSSION: Ms. Atienza explained the request from County Health Services for \$1,800 to sponsor the Project Homeless Connect 7 Event as outlined in the County letter.

Director Wallace asked what this request had to do with transportation. Ms. Atienza noted that the funds would go toward defraying transportation costs for the event. Director Wallace also inquired if the funds would be returned if they were not all used up. Ms. Atienza responded that that matter had not been discussed.

Vice Chair Abelson voiced concern that the WCCTAC general fund was already in jeopardy, and reminded the Board that Pinole is having a difficult time paying the dues. She noted that despite the project being a worthy cause, it is an inappropriate use of WCCTAC funds. She added that they would have a difficult time continuing to ask their Councils to pay dues, and that the WCCTAC budget should be 'bare bones' to ensure the continued participation of all member agencies. Director Wallace noted that the proposed use was for transportation. Director Boozé noted that he agrees with Director Abelson's concerns, but Richmond always pays its dues on time, pays more dues than the other member agencies, shelters a large proportion of the homeless community, and that they would like to be able to help that community. He added that he is taken aback by the hesitation, given the history of partnership and the small magnitude of the request. Director Boozé then made a motion to approve the request, seconded by Director Keller.

Director Wallace acknowledged that this was a good program. However, he is concerned that this veers off from the mission of WCCTAC and if the agency funds this request, it could open the flood gates for further requests. He also added that there are other agencies that could fund such a request. Director Boozé asked Ms. Atienza why, if this was the case, the item was brought before the Board. Chair Swearingen stated that items like this need to come before the Board because it is not appropriate for staff to deny putting such a request on the agenda nor to decide on the request. Chair Swearingen added that he too is concerned about setting a precedent. Discussion continued on issues of how the money would be used and how homeless people find out about this event.

Director Keller noted that there is plenty of justification not to approve the request, confirmed that he too is concerned about setting a precedent, but noted that this may be an exceptional case. He added that if the Board could, with the small amount of money, help to get folks off the street, that would be worthwhile; and the homeless population tends to get overlooked, in either good or bad economic times. He appealed to the Board to come down on the side of compassion. Director Boozé voiced his appreciation of Director Keller's articulation of the issue, and added that because of today's dire economic situation, the

homeless population now includes entire families, and mentioned the recent action taken by the City to provide access to children from disadvantaged families to the Richmond Plunge. Director Keller also added a significant proportion of the homeless population comprise Vietnam veterans and single women with children. Director Wallace noted that there are other provisions that support these populations.

The Board then voted on the motion, which passed by majority. Vice Chair Abelson asked for a future agenda item to establish a policy on requests from outside sources for both General Fund and STMP funds and all other funding categories. Ms. Atienza asked if the request was for all programs or just unbudgeted programs. Vice Chair Abelson responded that it is just for unbudgeted programs requests. Staff agreed to prepare a draft policy for the Board's approval.

11. Presentation on Preliminary Recommendations for West County/Albany Transit Enhancement Strategic Plan Wayfinding Plan.

ACTION: The Board received the presentation.

DISCUSSION: Ms. Atienza introduced the consultants on the Transit Enhancement Plan and Wayfinding Plan. Mr. Bob Grady and Mr. Max Heim gave a PowerPoint presentation highlighting the preliminary recommendations for the Wayfinding project. In September a full report on the Transit Enhancement project would be brought back to the Board.

Vice Chair Abelson asked how this program was being integrated with El Cerrito's wayfinding efforts. Mr. Grady responded that the program was being coordinated with City staff, and noted that City staff would be making the final decisions on signs that in El Cerrito.

Vice Chair Abelson asked whether the signs would be ADA compliant, and noted that a number of signs are too high and the fonts too small for people in wheelchairs to be able to read. Mr. Heim responded that the signs were being designed to be ADA compliant.

Chair Swearingen recommended that the consultant stay away from using brown for the signs, because they are difficult to see. Director Boozé also asked to show the Richmond logo on the signs that would go in Richmond.

12a. FY 2011-12 Agency Budget for Circulation to Member Agencies

ACTION: Director Wallace moved to approve the draft budget for circulation to member agencies; seconded by Director Boozé; and passed unanimously.

DISCUSSION: Ms. Atienza presented a draft agency budget for member agency review and comment. Adoption is scheduled for June. Ms. Atienza explained the four accounts: Advisory Committee, TDM, STMP, and other grant funded projects. Projections show the agency in the black at end of FY12. She highlighted a proposed COLA increase of 2.82%. Director Wallace asked for a salary freeze. Ms. Atienza explained that the agency has had salary freezes for all professional positions for the past three years. Chair Swearingen noted

that salaries have been frozen for the member agencies as well; Ms. Atienza noted that she has seen information to the contrary. She also noted that the agency performance assessment will look at salaries in the future. She also recommended the establishment of a sinking fund for future computer replacements, and using contingency funds from this year for upgrades to computers and office furniture that are needed now. She noted that she projects STMP revenues to be at an all-time low, and for fees to come only from Richmond, based on this year's collections to date.

12b. Policy to Authorize the Executive Director to Determine Salary Raises Based on Performance Evaluation.

ACTION: Director Wallace moved to authorize the Executive Director to determine salary raises for all non-contract employees within Board-approved salary ranges; seconded by Director Boozé; and passed unanimously.

DISCUSSION: Ms. Atienza recommended that the Board give the Executive Director, acting as the Personnel Officer, the authority to determine raises for non-contract employees within the salary ranges approved by the Board. Mr. Swearingen asked how many positions this affects. Ms. Atienza stated it would affect the five authorized positions outside of the Executive Director and Legal Counsel. Mr. Swearingen added the caveat that care be taken when giving any raises in the current economic climate.

STANDING ITEMS

13. Correspondence/Other Information

a. Incoming

- April 26, from Contra Costa Health Services, Request for Financial Assistance for Project Homeless Connect Event
- May 17, from Hercules, Hercules Intermodal Transit Center Funding Issues
- May 19, from CCTA, Items approved by the Authority on May 18, 2011

b. Outgoing

- April 22, to CCTA, Comments on Draft Guidelines for the Measure J TLC and PBTF Programs
- May 18, to CCTA, West County's Recommended Projects for MTC/Safe Routes to School Program Cycle I Funds

c. Workshops/Conferences/Events

- May 16, 23, and 24 – Transportation Enhancement Workshops in Hercules, El Cerrito, and Richmond, respectively

14. Board and Staff Comments

- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements

Director Wallace reported on his attendance at the California Transit Association conference and there is hope that STA funds will be intact in the upcoming State budget. He also noted, with pride, that AC Transit redid their budget and they are now in the black. He also added that fares will be going up for all riders.

b. Report of CCTA Representatives - none

c. Executive Director's Report

Ms. Atienza highlighted the handout with WCCTAC's comments on the EIR for the I-80 ICM project. Comments were due May 25. Comments from WCCTAC are focused on the impacts of ramp metering. WCCTAC also requested an environmental justice analysis study be done. Pinole and El Cerrito staff also submitted comments. Chair Swearingen asked what an environmental justice analysis entailed; Ms. Atienza responded that there is a federal Executive Order on this matter, and it entails an analysis to determine whether a proposal would have disproportionately adverse impacts on communities of concern, which include minorities and low-income populations. Director Boozé expressed his appreciation for Ms. Atienza's recent testimony to the Richmond City Council on this matter.

Ms. Atienza also recommended that Board members refer to the online website survey for the Transit Enhancement Study located at www.westcountyaccess.com, and to encourage constituents to fill out the survey so as to have a statistically significant sample. She complimented the consultant team for this project (Fehr & Peers) for the outstanding and thorough job that they have done to date. Director Abelson asked if the survey would yield statistically significant results by City; Ms. Atienza responded that it would likely not, but that the questions were general and not city-specific, such that across the cities, the results may be statistically significant. Director Abelson noted to use caution in how the results would be used, and gave the example of access to people with disabilities being better at some jurisdictions than at others, and how such situations may affect the results. Ms. Atienza confirmed that the project team would carefully analyze the data. She also added clarification that the purpose of the project is to develop a shelf of transit enhancement projects that member agency staffs can prioritize according to different criteria, so as to be able to quickly see which projects may compete well in different grant programs; and that public comment was one among many criteria. Mr. Nathan Landau, AC Transit staff, suggested providing links from the member agency websites to the project website; Ms. Atienza confirmed that the links exist.

Chair Swearingen addressed the handout from Mr. John Rudolph regarding the need to contact Chambers of Commerce regarding trenching issues during the I-80 San Pablo Avenue project. Ms. Atienza noted that the handout are the notes from the last TAC meeting, which were inadvertently excluded from the Board packet. Mr. Swearingen noted that the City needs to be contacted because the Chamber is not the suitable resource for questions on public works projects. Director Boozé asked Ms.

Atienza how long the road closures were going to be; Ms. Atienza responded that she did not believe there would be extensive, if any, road closures, and explained that there will be restrictions on work hours so as to mitigate impacts to businesses. Director Abelson asked if there would be work on the sidewalks, noted that El Cerrito had recently completed a major sidewalk project, and expressed concern that contractors have not in the past restored facilities to the way they were prior to the new construction. Ms. Atienza noted that it was the city inspectors' responsibility to ensure this. She added that the contractors are going to be digging up the sidewalks to install foundations for new controllers in some instances, and new conduit was going to be installed by pushing underneath the pavement, instead of trenching the pavement, in areas where the streets have been recently resurfaced and that have placed moratoriums on trenching. Ms. Atienza stated that the public works staff from each city need to work with the contractors and that the contractors and inspectors must assure the moratoriums on trenching and any other city requirements are honored. Director Abelson stated that she could discuss her additional concerns off-line with Ms. Atienza.

15. Other Business

16. Adjourn. Next meeting is Friday, June 24, 2011 at 8:00 a.m.
