

AGENDA
TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES
AND
MONTEREY COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY

Meeting of Wednesday, October 27, 2010

Agricultural Center Conference Room
1428 Abbott Street
Salinas, California
9:00 A.M.

(Agendas are on display and are posted 72 hours prior to the scheduled meeting at the Transportation Agency office and at these public libraries: Carmel, Monterey, Salinas Steinbeck Branch, Seaside, Prunedale, King City, Hartnell College, Monterey Peninsula College, and Cal State University Monterey Bay. Any person who has a question concerning an item on this agenda may call the Transportation Agency office at 831-775-0903 to make inquiry concerning the nature of the item described on the agenda.) The agenda and all enclosures are available on the Transportation Agency website: www.tamcmonterey.org, by clicking on Transportation Agency Board, meetings & agendas, click on agenda item and open it, click on report attachments listed at end of report.

1. **QUORUM CHECK – CALL TO ORDER.** Transportation Agency by-laws require a quorum of a minimum of 9 voting members, including a minimum of 7 city representatives and 1 county representative.
If you are unable to attend, please contact your alternate. Your courtesy to the other Transportation Agency Board members to assure a quorum is appreciated.

PLEDGE OF ALLEGIANCE

2. **PUBLIC COMMENTS.** Any person may address the Transportation Agency Board at this time. Presentations should not exceed three minutes, should be directed to an item **NOT** on today's agenda, and should be within the jurisdiction of the Transportation Agency Board. *Though it is not required, the Transportation Agency Board appreciates your cooperation in completing a speaker request form available on the table at the entrance to the meeting room. Please give the completed form to the Transportation Agency Administrative Assistant.*

3. **CONSENT AGENDA** **(Yellow Paper)**
APPROVE the staff recommendations for items 3.1.1 - 3.7.1 by majority vote with one motion. Any member may pull an item off the Consent Agenda to be considered for discussion and action after the Consent Agenda. **Pages 15 - 78**

4. **Completion of the Carmel Hill and River Bicycle Trail Project – Muck**
Pages 79 - 82
 1. **RECEIVE** presentation of the completed Carmel Hill and River Bicycle Trail;
 2. **ACCEPT** the work as complete;
 3. **AUTHORIZE** the Executive Director to sign and file a Notice of Completion for the Carmel Hill and River Bicycle Trail Project; and
 4. **AUTHORIZE** the Executive Director to release the 10% retention payment to HSR, Inc. 35 days after recordation of the Notice of Completion by the County Recorder contingent upon no claims being filed on the project.

Construction of the Carmel Hill and River Bicycle Trail Project is completed. Filing the attached Notice of Completion follows the legal process for concluding projects and will initiate the 30-day deadline for sub-contractors to file a stop notice against the project.

5. **Construction Contract for the Beach Range Road Multi-Use Trail**
– Hank **Pages 83 - 86**
1. **ADOPT** Resolution 2010-17 consenting to allow the low bidder Monterey Peninsula Engineering Inc. to withdraw its bid due to a mistake in their bid; and awarding the contract to construct the Beach Range Road Multi-Use Trail to the second low bidder, Earthworks Paving Contractors, Inc.; and authorize the Executive Director to execute a contract with Earthworks Paving Contractors, Inc. to perform the construction in the amount of \$212,497.20; and,
 2. **AUTHORIZE** the Executive Director to issue future change orders up to 10% of the total contract.
6. **Legislative Program** – Watson **Pages 87 - 94**
1. **RECEIVE** report on 2010 state legislative activities;
 2. **ADOPT** an “oppose” position on Proposition 26;
 3. **RECEIVE** report on 2010 federal legislative activities; and
 4. **APPROVE** draft 2011 Legislative Program for circulation to committees.

The state budget adopted on October 8, 2010 will enable the state to sell bonds, keeping transportation projects moving forward. Proposition 26 on the November 2, 2010 ballot will invalidate the gas tax swap agreement in that budget, causing problems for transportation funding. The federal government has not adopted a transportation appropriations bill for this fiscal year and is now operating under a continuing resolution, keeping transportation funding at the same levels as last year.

7. **APPOINT** a Nominating Committee to meet and return to Board of Directors on December 1, 2010 with recommendations for Board Chair, 1st Vice Chair, 2nd Vice Chair, and Executive Committee to serve one-year terms beginning upon their election through the next election of officers at the close of the December 7, 2011 Board meeting. – Goel

Pages 95 - 96

Agency Bylaws require the election of officers at the close of December meeting. The Board officers are the Chair, 1st Vice Chair and 2nd Vice Chair. The Executive Committee includes the Chair, 1st Vice Chair, 2nd Vice Chair, the immediate past Chair, and a City and a County voting Board member.

8. **CLOSED SESSION: REAL ESTATE NEGOTIATIONS.** Pursuant to Government Code section §54956.8, confer concerning the acquisition of one property for the Salinas train station. – Watson **No Enclosure**

Property: 20 New Street

Agency negotiator: Christina Watson

Negotiating parties: Paul Powers, III

Under negotiation: Price and terms of payment

RECONVENE in open session and report any actions taken.

9. Reports on meetings attended by Board Members at Transportation Agency expense, as required by state law. **No Enclosure**
10. Reports from transportation providers: **Pages 97 - 105**
- Caltrans – Krumholz/Loe
 - Monterey Peninsula Airport District– Sabo
 - Monterey-Salinas Transit – Sedoryk
11. Executive Director’s Report **No Enclosure**
12. Announcements and/or comments from Transportation Agency members on matters that they wish to put on future Transportation Agency agendas.
13. **Adjournment**

Please send any items for the December 1, 2010 Transportation Agency agenda to Senior Administrative Assistant Elouise Rodriguez by 12 noon, Thursday, November 18, 2010.

The Transportation Agency Agenda will be prepared by Transportation Agency staff and will close at noon Thursday, November 18, 2010 nine (9) working days before the regular meeting. Any member may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish Language interpreters and printed materials, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

ANNOUNCEMENTS

Next Transportation Agency for Monterey County meeting will be on
Wednesday, December 1, 2010 at 9:00 a.m.

Agricultural Center Conference Room

1428 Abbott Street

Salinas, California

9:00 A.M.

Transportation Agency Board members will receive automatic mileage reimbursement payments not to exceed current IRS rates, (or reimbursed for the cost of transit). Payments will be made quarterly based on attendance records. Board members must submit a mileage declaration form with their declared mileage to and from the transportation agency meetings. Please call Transportation Agency office at 831-775-0903 if you need a mileage declaration form.

For Transportation Agency related travel reimbursement other than the monthly Transportation Agency meetings, please call Transportation Agency office at 831-775-0903 to request a travel reimbursement form.

The Transportation Agency web site contains information from the Transportation Agency Resource Guide, including Transportation Agency Board members, Transportation Agency committee members, grant programs, etc.

Visit us at:

<http://www.tamcmonterey.org>

Documents relating to an item on the open session that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Office of the Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA. Documents distributed to the Agency Board at the meeting by staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

**Transportation Agency for Monterey County
55-B PLAZA CIRCLE, SALINAS, CA 93901-2902**

**Monday thru Friday
8:00 a.m. – 5:00 p.m.
TEL: 831-775-0903
FAX: 831-775-0897**

BEGINNING OF CONSENT AGENDA: Approve the staff recommendations for items 3.1.1 - 3.7.1 below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

ADMINISTRATION and BUDGET

3.1.1 **APPROVE** minutes of the Transportation Agency For Monterey County (TAMC) Service Authority for Freeways and Expressways and Monterey County Regional Development Impact Fee Joint Powers Agency of September 22, 2010. – Rodriguez **Pages 15 - 20**

3.1.2 **ACCEPT** the list of checks written for September 2010 and credit card statements for the month of August 2010. – Delfino **Pages 21 - 22**

The list of checks and copies of credit card statements are submitted to the Transportation Agency Board each month in accordance with the recommendation from the Transportation Agency's independent Certified Public Accountant to keep the Board informed about the Transportation Agency's financial transactions.

3.1.3 **RECEIVE** report on conferences or trainings attended by Agency staff. – Bachman **Pages 23 - 25**

Agency staff occasionally attend conferences or trainings at Agency expense that are pertinent to the their roles in pursuing the Agency's mission. These events allow the staff to stay current and participate in the development of transportation practices and policies related to their roles. Recently one employee attended a course on effective public presentations.

- 3.1.4 **RECEIVE** the call for nominations for the ninth annual Transportation Agency Excellence awards to honor individuals, businesses, groups or projects for their efforts to improve the transportation system in Monterey County. – Hoschouer **Pages 26 - 30**

Transportation Agency would like to encourage and appreciate efforts made by Monterey County residents, businesses and employees to improve transportation in Monterey County by awarding Transportation Excellence Awards. Staff encourages board members to submit nominations, which are due by December 6, 2010. The awards ceremony will take place during the regular January 2011 Transportation Agency board meeting.

- 3.1.5 **APPROVE** the release of a Request for Proposals to receive bids on maintaining and updating the agency's website – Zeller **Pages 31 - 32**

The agency's contract with the current website services consultant is set for an early expiration on December 31, 2010, as the consultant has accepted a full time position with another firm. Staff is seeking to release a Request for Proposals to receive bids from qualified consultants to continue maintenance and updates of the agency's website.

- 3.1.6 **Server and Computer Maintenance** – Zeller **Pages 33 - 34**

1. **APPROVE** contract with Alvarez Technology Group to provide server and computer maintenance services in the amount of \$14,000;
2. **AUTHORIZE** the Executive Director to execute the contract and changes to the contract if such changes do not increase the Agency's net cost, subject to approval by Agency Counsel; and
3. **AUTHORIZE** the use of \$14,000 from the general operating budget for the contract.

The Agency's current agreement for computer maintenance services with Alvarez Technology Group expires December 31, 2010. Staff is seeking to renew the contract to ensure continuity of services through December 31, 2012.

BICYCLE, PEDESTRIAN, TRANSIT, and SOCIAL SERVICES

- 3.2.1 **APPROVE** City of Pacific Grove's request for a one-year grant extension of the Agency's Transportation Development Act 2% Account program for the Rocky Shores Trail Link Project. – Chen **Pages 35 - 37**

The Transportation Development Act 2% grant program provides funding for bicycle and pedestrian projects of regional significance. One of the projects in the fiscal years 2009-2011 grant program is the Pacific Grove Rocky Shores Trail Link project. The City is currently seeking a grant extension and is committed to have the trail constructed by October 31, 2011.

- 3.2.2 **APPROVE** Resolution 2010-16 allocating Local Transportation Funds to the County of Monterey for streets and roads and other eligible costs under Article 8 of the Transportation Development Act consistent with the adopted unmet transit need finding for 2010-11. – Cook **Pages 38 - 41**

This action will allocate Local Transportation Funds to the County of Monterey for streets and roads and other eligible claims under the Transportation Development Act.

PLANNING

- 3.3.1 **ACCEPT** Draft Scope of Work prepared by the Santa Cruz County Regional Transportation Commission for consultant assistance to prepare the 511 Traveler Information System Plan. – Cook **Pages 42 - 43**

As reported to the Board in September, the Transportation Agency and the Santa Cruz County Regional Transportation Commission are partnering to prepare a feasibility study and implementation plan for a proposed 511 Traveler Information System serving the Monterey Bay area, funded through the Caltrans Statewide Planning Grant Program. A consultant contract to prepare the plan will be administered by the Santa Cruz County Regional Transportation Commission, which has also agreed to administrator the final 511 program covering Santa Cruz and Monterey Counties.

PROJECT DELIVERY and PROGRAMMING

- 3.4.1 **APPROVE** the requests by the City of Greenfield to allocate \$315,017.75 in Regional Surface Transportation Program fair share funds from the Fiscal Years 06/07/08 and 07/08/09 cycles to various city street projects.
– Delfino **Pages 44 - 45**

The Agency distributes \$1.2 million per year in Regional Surface Transportation Program fair share funding by population to the local jurisdictions for a wide range of eligible transportation projects and is available at the discretion of the local jurisdiction for their chosen projects upon approval by the Board.

RAIL PROGRAM

3.5.1 Memorandum of Understanding with the San Luis Obispo Council of Governments regarding the Coast Daylight Project – Watson

Pages 46 - 55

1. **APPROVE** the Memorandum of Understanding (MOU) with the San Luis Obispo Council of Governments (SLOCOG) concerning the Coast Daylight project;
2. **AUTHORIZE** the Executive Director to sign the MOU;
3. **APPROVE** the contract amendment #6 with JEA & Associates to provide professional advice and services relating to the Coast Daylight project, for a monthly retainer amount of \$1,250, paid for via the MOU with SLOCOG concerning the Coast Daylight project;
4. **AUTHORIZE** the Executive Director to execute the contract amendment and changes to the contract if such changes do not increase the Agency's net cost, subject to approval by Agency Counsel; and
5. **AUTHORIZE** the Executive Director to sign an extension to the agreement for a one-year term beyond October 27, 2011, on the same terms and conditions as in the original agreement, subject to an extension of the MOU with SLOCOG.

This MOU identifies the specific items for which intergovernmental legislative assistance is needed to start the Coast Daylight service in April 2012. The Agency has a contract with JEA & Associates to provide professional advice and services relating to the Agency's interests in federal, state and local government. This contract amendment would increase the total contract amount in order to allow for additional work on the Coast Daylight project.

3.5.2 **Union Pacific Public Project Reimbursement Agreement – Watson**
Pages 56 - 58

1. **APPROVE** the scope of services for the Public Project Reimbursement Agreement with Union Pacific to review designs and evaluate the Commuter Rail Extension to Monterey County project;
2. **AUTHORIZE** the Executive Director to execute the agreement and amendments to the agreement if such amendments do not increase the Agency's net cost, subject to approval by Agency Counsel; and
3. **AUTHORIZE** the use of no more than \$200,000 from funding budgeted for this project for the agreement.

Union Pacific (UP) requires an agency to adopt a Public Project Reimbursement Agreement in order for UP to perform preliminary engineering services, develop cost estimates and review preliminary designs for a project proposed for UP right-of-way. The Commuter Rail Extension to Monterey County project proposes to run new commuter service on UP Coast Main Line tracks between Salinas and Gilroy. This agreement is to reimburse UP for actual costs incurred for their work related to this project.

REGIONAL DEVELOPMENT IMPACT FEE

- 3.6.1 **RECEIVE** legal opinion on the adequacy of the Regional Development Impact Fee to serve as mitigation for cumulative transportation impacts.
– Zeller **Pages 59 - 74**

The final memo from Nossaman LLC, with concurrence from agency counsel, concluded that improvement projects that are funded with impact fees and other potential federal, state and local sources, payment of impact fees is adequate mitigation of a development's cumulative impacts pursuant to the California Environmental Quality Act.

3.7.1 **ACCEPT** minutes from Transportation Agency committees:

Pages 75 - 78

- Executive Committee – Draft October 6, 2010
- Bicycle & Pedestrian Facilities Advisory Committee
– no meeting in October
- Rail Policy Committee – Final September 13, 2010 (online at www.tamcmonterey.org); no meeting in October
- Social Services Transportation Advisory Council
– no meeting in October
- Technical Advisory Committee – Draft October 7, 2010
(online at www.tamcmonterey.org)

END OF CONSENT AGENDA

CORRESPONDENCE, REPORTS, MEDIA CLIPPINGS

Online at www.tamcmonterey.org

- C1 October 14, 2010 letter from Executive Director Debra L. Hale to District 5 Director Rich Krumholz, re: US 101 Prundale Improvement Project Delivery Milestones.