



Office of the City Manager

CONSENT CALENDAR
April 29, 2014

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Scott Ferris, Director of Parks, Recreation and Waterfront
Subject: Grant Application: The Metropolitan Transportation Commission PCA Grant Program for the Bay Trail Shoreline Access Staging Area Project

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager/designee to submit a funding application to the Metropolitan Transportation Commission (MTC) Priority Conservation Area (PCA) grant program for \$500,000 in federal funds for the Bay Trail Shoreline Access Staging Area Project;
2. Committing any necessary matching funds; 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 \$2,140,000 and funding is comprised of the following: a) a Priority Conservation Area (PCA) grant of \$500,000 from the State Coastal Conservancy ; b) a PCA grant of \$500,000 from the Metropolitan Transportation Commission (MTC); c) a Cosco Busan Oil Spill grant of \$600,000 from the National Fish and Wildlife Foundation, awarded March 2013; d) a grant from the California Department of Boating and Waterways (DBAW) of \$160,000, awarded Fall 2011; and d) Marina Funds in the amount of \$380,000 that will be budgeted for the project in FY 2015. The PCA grant program has a 3:1 matching requirement of non-federal funds to federal funds, which limits federal funds to comprise no more than 25% of the project budget. For this project, the federal MTC funds will comprise 23.4% of the project budget.

FUNDING	Amount	Budget Code	CMS No.
PCA grant from State Coastal Conservancy	\$500,000	Fund 626	EUBWA
PCA grant from Metropolitan Transportation Comm	\$500,000	Fund 614	APGL6
Cosco Busan grant from NFWF (awarded 03/ 2013)	\$600,000	421-5950-450.65-70	L3ZAJ
DBAW grant (awarded Fall 2011)	\$160,000	628-5949-450.30-35	X71FI
City of Berkeley Marina Fund (budgeted for FY 2015)	\$380,000	825-5950-450.65-81	
Total project budget	\$2,140,000		

All of the funds listed above will be appropriated as part of the First Amendment to the FY 2015 Annual Appropriation Ordinance.

CURRENT SITUATION AND ITS EFFECTS

On December 20, 2013, the City received notification that the Bay Trail Shoreline Access Staging Area Project was being recommended for funding from the Priority Conservation Area (PCA) Grant Program, which is a joint funding effort involving the State Coastal Conservancy (SCC), the Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG). The City's project will receive \$500,000 from the SCC using State Prop 84 dollars, and \$500,000 from the MTC using federal transportation dollars. In order for the funding to be approved by the MTC board, the City is required to adopt a Resolution of Local Support as soon as possible in April of 2014. The SCC will require a separate resolution later in 2014.

BACKGROUND

In 2012, the City received a design grant from the California Department of Boating and Waterways in the amount of \$160,000 for the design and permitting of renovations to the parking lot at the South Sailing Basin that sits adjacent to the proposed Bay Trail Extension; a new restroom; and the replacement of the east and west small boat docks. In 2012, a series of Public Workshops was held at the Marina to incorporate stakeholders concepts regarding the renovations, and at this time the construction documents are 90% completed.

On May 3, 2013, the State Coastal Conservancy (SCC), in cooperation with Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), issued a call for project proposals for the Priority Conservation Area Grant Program. This pilot program focuses on the Priority Conservation Areas (PCAs) in Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara Counties. MTC designated \$5 million in federal funds and the SCC designated \$2.5 million in state funds for a combined total of \$7.5 million for this grant program. Projects involving the Bay Trail were identified as being eligible for this grant program.

On July 19, 2013, the City submitted a Letter of Interest proposing the Bay Trail Shoreline Access Staging Area Project using two grants already awarded to the City, (Boating and Waterways grant and National Fish & Wildlife Foundation grant) to meet the 3:1 matching requirement of the PCA grant program.

On November 15, 2013, the City submitted a formal application, and on December 20, 2013, the City was notified that the Bay Trail Shoreline Access Staging Area Project was recommended for funding by the PCA grant selection committee. The project will involve the renovation of the existing eastern parking lot at the South Sailing Basin, a renovated windsurf staging area, a new restroom, and the construction of segment 3 of the Bay Trail Extension adjacent to the existing sailing clubs.

ENVIRONMENTAL SUSTAINABILITY

This project will renovate the water access staging area parking lot and construct the segment of the Bay Trail Extension. This area is the largest staging area at the Berkeley Marina for visitors to enjoy the following recreational, environmental educational, and water access experiences: sailing, windsurfing, kayaking, canoeing, jogging, walking, nature watching, fishing, and other outdoor activities. These activities will draw up to 10,000 visits per year to the unique marine environment of the San Francisco Bay, which will help foster environmental education and increased stewardship of the Bay.

RATIONALE FOR RECOMMENDATION

In order to be awarded the federal funds from the Metropolitan Transportation Commission, the City is required to adopt a Resolution of Local Support as soon as possible in April of 2014.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

John Mann, Waterfront Manager, 981-6737
Deborah Chernin, Principal Planner, 981-6715
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 \$500,000 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Bay Trail Shoreline Access Staging Area Project (herein referred to as PROJECT) for the Priority Conservation Area Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation 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 Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7 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 MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's 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 (transit only) 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.

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 MAP-21 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-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-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 and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the

requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised.

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, 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/designee is authorized to 1) accept the grant; and 2) execute any resultant revenue agreements and amendments. CMS No. APGL6.

BE IT FURTHER RESOLVED that the APPLICANT authorizes the implementation of the projects and appropriation of funding for related expenses, 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.