

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
TAM

SEPTEMBER 28, 2017
7:00 PM

MARIN COUNTY CIVIC CENTER, ROOM 330
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CALIFORNIA



MEETING MINUTES

Members Present: Stephanie Moulton-Peters, Mill Valley City Council, TAM Chair
Judy Arnold, Marin County Board of Supervisors, TAM Vice Chair
Alice Fredericks, Tiburon Town Council
Beach Kuhl, Ross Town Council
Damon Connolly, Marin County Board of Supervisors
Diane Furst, Corte Madera Town Council
Dan Hillmer, Larkspur City Council
Eric Lucan, Novato City Council
Gary Phillips, San Rafael City Council
Katie Rice, Marin County Board of Supervisors
Dennis Rodoni, Marin County Board of Supervisors
Ray Withy, Sausalito City Council

Members Absent: James Campbell, Belvedere City Council
John Reed, Fairfax Town Council
Tom McInerney, San Anselmo Town Council
Kate Sears, Marin County Board of Supervisors

Staff Members Present Dianne Steinhauser, Executive Director
Bill Whitney, Deputy Executive Director
Dan Cherrier, Principal Project Delivery Manager
David Chan, Manager of Programming and Legislation
Derek McGill, Planning Manager
Li Zhang, Chief Financial Officer
Nick Nguyen, Principal Project Delivery Manager
Molly Graham, Public Outreach Coordinator
Scott McDonald, Senior Transportation Planner

1. Convene in Open Session

Chair Moulton-Peters called the meeting to order at 7:00 p.m.

2. Adjourn to Closed Session

Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation
There is significant exposure to litigation against the Agency pursuant to Government Code section 54956.9(d)(2)
Number of Cases: 1

The meeting was adjourned to Closed Session.

3. **Reconvene in Open Session** – Announcement

The Board reconvened at 7:50 p.m. and Chair Moulton-Peters reported that a Closed Session was held and direction given to Counsel, with nothing else to report.

4. **Chair's Report** (Discussion)

Chair Moulton-Peters indicated she had nothing to report except for the presentation of the Crossing Guard of the Year award.

Executive Director (ED) Dianne Steinhauser discussed the importance of the crossing guard program, with annual recognition of one outstanding guard. She deferred to Commissioner Fredericks to make the presentation.

Commissioner Fredericks introduced Thomas Holmes and reviewed his accomplishments over the past seven years at Reed Elementary School in Tiburon, and she expressed appreciation for his work on behalf of the community. She also acknowledged the role of All City Management Services (ACMS), which is responsible for the hiring and training of the guards. She commended the community and schools as well for their participation in the Safe Routes to Schools program.

Commissioner Fredericks presented Mr. Holmes a plaque in his honor, who expressed his gratitude for the opportunity to serve. He also noted that his wife was present tonight and acknowledged the importance of her support. He further commented on the love and joy he feels to be working with the children.

ED Steinhauser showed the Crossing Guard of the Year registry on which Mr. Holmes name would be added, displayed in TAM's offices.

5. **Commissioner Matters Not on the Agenda** (Discussion)

There were none.

6. **Executive Director's Report** (Discussion)

ED Dianne Steinhauser reviewed items in her written report, including recent events and accomplishments - initiation of SMART service, Get SMART 17 Lyft program, upcoming ribbon cutting for the TAM Junction bike lane project, information about TAM's annual audit, the successful open house on State Route 37 held the previous week, activity at the state level related to SB 1, and regional MTC Active Transportation Program funds recently awarded for a project in Corte Madera. Commissioner Furst provided additional information on the project in Corte Madera which is in the vicinity of Tamal Vista, Wornum and Nellen Drives and expressed appreciation, in particular, to TAM Programming Manager, David Chan.

a. **Richmond – San Rafael Bridge Third Lane and Multi-Use Path Report**

ED Steinhauser reviewed progress on the primary elements currently under construction – the retaining wall on the other side approaching Richmond, testing of the new electronic changeable message signs so commuters will know when the extra lane can be used, and rebuilding of the on-ramp from San Quentin/ Main Street to

accommodate traffic from Sir Francis Drake Blvd. She also discussed potential changes to the project schedule, with opening of the third lane eastbound at the very end of the year instead of the original date of November 1st.

b. Look Ahead Report

Referring to the distributed report, ED Steinhauser briefly discussed the purpose of the report and upcoming projects/activities for the next few months.

c. Status of Expenditure Plan Advisory Committee

ED Steinhauser concluded with information on work of the Committee in recent months, as well as anticipated material that will be covered over the rest of the year. She noted that staff intends to provide the Board with a thorough report at the end of November meeting.

Chair Moulton-Peters expressed appreciation for the detailed report and all that is being accomplished, as well as the outreach to the community.

There was no public comment on the Executive Director Report.

7. Commissioner Reports (Discussion)

a. Metropolitan Transportation Commission (MTC) Report

Commissioner Connolly provided information on Senate Bill 595, also known as Regional Measure 3 (RM3), a proposed toll increase for Bay Area bridges, the anticipated process and timeline, voter approval needed, and potential Marin area projects that have requested funding.

b. Marin Transit Report

Commissioner Rice reported on the new Redwood & Grant transit facility in downtown Novato, commending all involved in bringing it to completion. She also discussed Marin Transit's participation with the Expenditure Plan Committee and the information Marin Transit shared regarding ridership, expansion, and transit activity covered by Measure A.

c. SMART

Vice Chair Arnold commented on SMART's initial success and the increasing number of commuters who use the train (standing room only at times). She reviewed questions asked regarding SMART service and compared the predictive responses with actual statistics.

8. Open Time for Public Expression

Cindy Winter discussed progress being made towards the development of autonomous vehicles (AV) in the years since she first heard of them in December of 2015, especially in the Bay Area. She commented on guidelines issued by the US government, rapid expected growth of the industry, and the development of necessary computer software.

Barry Taranto noted that Golden Gate Transit makes copies of its transit schedules available at the Marin libraries, and he expressed hope that SMART would do likewise so riders can easily access the information. As a cab driver in San Francisco, he expressed concern about the company that TAM is working with to provide short trips to/from the stations because there is no mandatory drug testing for the drivers and most of them are not part of the community they serve. He also commented on the need for affordable, workforce housing and senior housing in the Northgate Mall area. He discussed various smartphone apps that can give real-time bus status information, which would be helpful to bus riders. Lastly, Mr. Taranto expressed concern about the need for a taxi stand at the Golden Gate Bridge, given the heavy demand for taxi services there.

9. CONSENT CALENDAR (Action)

- a. Approve TAM Board Minutes of August 24, 2017
- b. Approve the Programming of 2018 State Transportation Improvement Program (STIP) Funds
- c. Project Budget and Contract Budget Increases for CSW / Stuber Stroeh for the TAM Junction Project

There was no public comment on the Consent Calendar.

Vice Chair Arnold moved to approve the Consent Calendar. Commissioner Lucan seconded the motion, which was approved unanimously.

10. State Legislative Update (Discussion)

ED Steinhauser introduced Gus Khouri of Khouri Consulting to present the staff report.

Mr. Khouri commented on three bills. He noted that SB 595 is currently on the Governor's desk, with a deadline of October 15th for signature; he reviewed some of the expected funding that will result. Secondly, he discussed the extension of cap-and-trade, AB 398, and potential funding impacts. He also discussed the effects of SB 1 and how it will impact TAM's allocations for local streets and roads, as well as maintain funding for long-term projects such as the Marin Sonoma Narrows (MSN) project.

Chair Moulton-Peters thanked Mr. Khouri for his report and for staying on top of these major bills.

11. Adopt a new Resolution of Intention for TAM to Enter into a Contract with CalPERS for Retirement Benefits (Action)

Consultant Terry Matsumoto presented the staff report which recommended that the TAM Board adopt a new Resolution of Intention for TAM to enter into a contract with CalPERS for retirement benefits. The TAM Board adopted a previous Resolution of Intention, which has been updated with a new actuarial covering previously omitted staff, and a new contract cost as a result. Mr. Matsumoto discussed cost estimates TAM will incur relative to employee benefits when it becomes a PERS Agency. He discussed changes to the asset valuations for the organization and how that affects the impacts of the change. He recommended that the Board approve the Resolution of Intention, and he reviewed the next steps in the process including a PERS employee election, a reallocation agreement between TAM, CalPERS and Local Government Services, and the adoption of a final resolution to contract with PERS which would transition TAM staff from LGS employment to TAM employment

Commissioner Lucan moved to approve the adoption of a new Resolution of Intention for TAM to enter into a contract with CalPERS for retirement benefits, and Vice Chair Arnold seconded the motion. It was unanimously approved.

12. MTC Proposed Conditions on State Transportation Improvement Program (STIP) Funds (Action)

ED Steinhauser introduced the item seeking input from the TAM Board on MTC's proposal to impose housing requirements on the use of STIP funds by CMAs. She discussed the proposal from MTC related to the STIP funds, noting there is a supplemental report in the packet on the dais, and she confirmed that the other three North Bay counties are coordinating on this effort.

David Chan, Manager of Program and Legislation, presented the staff report, including a review of the STIP program, how the funds can be used, categories of the funds, TAM's STIP share, how MTC is proposing to add a housing production requirement on the program and the effect on TAM's eligibility for STIP funding, an explanation of the state-mandated Regional Housing Need Allocation (RHNA), a comparison of past RHNA performance by jurisdiction (TAM member agencies), and potential funding impacts. He added that MTC may be presenting it to the MTC Commission on October 25, 2017.

ED Steinhauser discussed MTC's goal in making this proposal, noting that RHNA numbers have not always been met in all of the TAM member jurisdictions, but that the years when that was the case were years when the economy was not strong. She also noted that TAM's past STIP funds have generally been used on projects that are multi-jurisdictional, which is a trend likely to continue. She reviewed the staff recommendation for TAM's response to the proposal, as well as input from the other north bay counties.

Commissioner Connolly indicated that he was very supportive of the TAM principles outlined by ED Steinhauser and shares the same concerns as presented by staff. He also noted that he did not hear of the MTC proposal from MTC, which has not yet been heard by the MTC Board or any Committee; rather, ED Steinhauser brought it to his attention. He confirmed that representatives of other North Bay CMA's agreed with the issues mentioned by staff. Additionally, he indicated he has learned that the plan was going through the MTC Committee to House the Bay Area (CASA), and the idea has been met with concern there as well. He acknowledged the housing needs issues and supports efforts to provide greater access to affordable housing opportunities; he also agrees there are transportation issues at the local levels that need local control to solve.

Vice Chair Arnold recommended that TAM send a strong letter of non-support, expressing that this is not the way to solve the affordable housing issue, especially since TAM has no authority over housing projects. In fact, she agreed that traffic issues in many local jurisdictions could be put at risk by the actions of one agency under this program. Commissioner Connolly agreed, commenting on the dangerous precedent that could be set, resulting in future transportation funding being limited because of housing requirements.

Commissioner Phillips stated he had discussed this matter with his staff, and he indicated that San Rafael agrees with the principles identified by staff, as well as the statement that TAM does not have authority to dictate housing requirements.

Commissioner Fredericks agreed with the previous speakers. She expressed it seems that state legislators are wanting to support affordable housing policies without enacting the necessary programs/requirements themselves. As staff pointed out, she agreed TAM has no control over the housing market, developers or property owners even when trying to encourage affordable housing.

Commissioner Rodoni echoed Commissioner Connolly's comments that he had not received information directly from MTC even though he is an ABAG representative. He agreed a letter of nonsupport should be sent soon to MTC and ABAG (the Association of Bay Area Governments) and should cite the principles and concerns mentioned by staff.

Commissioner Rice was in agreement as well, and she added that in order to provide affordable housing, an adequate transportation infrastructure is needed.

Commissioner Rice moved that a letter of nonsupport for the MTC proposed conditions on STIP funds, citing the principles and concerns raised by staff and/or Commissioners.

Chair Moulton-Peters opened public comment on the item.

Barry Taranto expressed concern that Marin not become or appear to be "elitist" in terms of the type of housing it is willing to provide, and they should consider more workforce housing or senior housing. He agreed that transportation funding should not be tied to housing requirements.

Chair Moulton-Peters agreed, and she deferred to Commissioner Fredericks who commented on some of the discussions among the MCCMC Legislative Committee regarding the constraints that affect the number of new units that are feasible for the county. She agreed it is important to acknowledge the affordable housing issues, and she noted the Committee is working on information to provide to the state representatives to clarify the issues here.

Seeing no further speakers, Chair Moulton-Peters closed public comment on the item.

Commissioner Connolly indicated his willingness to work with staff in drafting the letter and directing it to the appropriate department. ED Steinhauser reiterated time constraints, given that MTC would like to finalize the STIP provisions at its October meeting.

At the request of Chair Moulton-Peters, Mr. Khouri quickly commented on proposed amounts in the state budget to be allocated to affordable housing and transit-oriented development to reduce greenhouse gases.

Commissioner Rice suggested talking to the other North Bay Counties to see if a joint letter would be appropriate. ED Steinhauser commented that there may be minor adjustments to the letter after that discussion. Commissioner Connolly agreed that coordinating with the other counties would be good.

Commissioner Arnold seconded the amended motion, and it was unanimously approved.

13. **Caltrans Report** (Discussion)

ED Steinhauser noted that Caltrans has much information to share regarding SB 1 funding, and she indicated it would be good to have Caltrans staff come before the Board in October or November.

The meeting was adjourned at 9:07 p.m.



DATE: October 26, 2017

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
Dan Cherrier, Principal Project Delivery Manager

SUBJECT: Budget Increase for the Tam Junction Project (Action), Agenda Item No. 9b

RECOMMENDATION:

Support recommendation from the TAM Programming and Projects Executive Committee for construction cost increases for the Tam Junction Project associated primarily with unanticipated site conditions. Approve additional funding in the amount of \$70,000 and authorize the necessary budget amendment. Authorize adjustments as necessary to the construction and construction management contracts.

BACKGROUND:

Construction work began in late August 2017 on the Tam Junction Bicycle Project. This project will construct Class II bike lanes on both sides of Shoreline from Flamingo Avenue to the existing pathway near the Coyote Creek Bridge. Also, the Class II bike lanes will extend to Helen Avenue along Almonte Avenue and connect to the existing Almonte bike lanes. The project includes drainage improvements at the Almonte and Shoreline intersection to help improve periodic flooding.

The contractor is Ghilotti Brothers of San Rafael based on a low bid of approximately \$440,000. Construction Management is being provided by 4-Leaf from Pleasanton. At the time of award, a Project contingency existed of approximately \$70,000. After award, the State Department of Transportation working as the Federal environmental lead required several unanticipated environmental studies (bird and archaeological), for areas that initially were believed to be outside the impact area of the Project. The time associated with the studies pushed the project into the nesting season for two bird species and required two new site-specific nesting surveys. These studies along with additional electrical and traffic signal work has led to an unanticipated increase in project cost. The TAM Board previously approved funds in August for the increased cost of support – engineering and environmental work- by our consulting team regarding these changes.

DISCUSSION/ANALYSIS:

The Tam Junction area has experienced changes over the last several decades with many utility upgrades and changing businesses in the area. The area is very congested and right of way is scarce. The project had initial challenges in fitting a bike path into the exiting roadway footprint.

Caltrans required that the existing traffic signal at Almonte Blvd and Shoreline Blvd not be modified in any manner. This led to a challenging design that has required conforming to many existing site conditions. Changes during construction have been made to meet Caltrans requirements onsite while still maintaining the project scope.

Staff had maintained a modest contingency to deal with un-anticipated issues. Unfortunately, the extra design, environmental and electrical work has used the majority of the contingency.

The Project is about 70% complete and several issues have arisen.

1. Caltrans required the new sidewalks to be increased in width after contract award. This change resulted in a new small retaining wall and a new rock slope protection effort.
2. Caltrans required additional environmental monitoring by the contractor and training for all workers. This change occurred after contract award.
3. An ADA ramp was omitted from the approved plans and was added after award.
4. Some plan discrepancies led to the contractor having to modify field elevations for sidewalk and storm drain work elements.
5. A storm drain line had to be relocated due to a gas line conflict.
6. The new storm drain location required two additional catch basins.
7. A fire hydrant relocation requires unanticipated MMWD inspections, a cost to be paid by the project.
8. Signs at a service station require relocation that also involves lighting and electrical service. Unfortunately, these signs were recently installed after the contract was designed and awarded.
9. Project noise has been an issue and mitigation solutions have affected the contractor's scheduling.
10. An additional electrical conduit will be required
11. Additional hours have been required for TAM's construction management / inspector due to the above issues.

The remaining 30% of the work includes pavement grinding and recently discovered buried manhole covers that had to be dug out and raised. In addition, some of the existing pavement delineators (to prevent left turns in to the ARCO Station) installed by the County of Marin are expected to be reused. However, there is a risk of damage during the removal process, and so these may have to be replaced.

FISCAL CONSIDERATION:

This project has a variety of funding sources:

\$48,000 from CMA Planning for Preliminary Engineering;
\$20,000 from TDA Article 3 for Environmental;
\$205,000 from OBAG1 for Environmental, Final Design, and Design Support;
\$80,000 from TFCA for Construction Management;
\$350,000 from TAM Safe Pathways for Construction Capital and Construction Management; and
\$178,000 from Measure A 5% Bonding Reserve for Construction Capital and Right of Way.

The contractor and construction management firm have provided initial documentation of proposed increases regarding most of the items listed above. However costs are still being determined on a few remaining work item invoices due from sub-contractors. TAM staff will have to negotiate each item before the actual increase can be approved. The total magnitude of known and potential project increases is now estimated to be \$70,000.

The TAM Board and local community have identified this project as crucial for students attending Mill Valley Middle School and Tamalpais High School. The Programming and Projects Executive Committee was presented with the above information at the October 9 meeting and recommended approval of the expected increases. At that time, cost information had not been provided by the contractor and a range of \$30,000 to \$80,000 was presented.

Staff is requesting that the project increases be funded by up to a \$70,000 transfer from the TAM Measure A Safe Pathways funding strategy. This funding source has been used previously as a source for construction related increases. The actual transfer will be limited to the funds required to complete the project, not to exceed \$70,000.

NEXT STEPS:

Staff will be meeting with the contractor to negotiate the above items and obtain the best possible pricing in order to limit project increases. The project will continue to be closely monitored to reduce potential future risks. The project is scheduled for completion by the end of October.

ATTACHMENTS: None

THIS PAGE LEFT BLANK INTENTIONALLY