

MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
TAM

OCTOBER 26, 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  
Dennis Rodoni, Marin County Board of Supervisors  
Diane Furst, Corte Madera Town Council  
Dan Hillmer, Larkspur City Council  
Eric Lucan, Novato City Council  
James Campbell, Belvedere City Council  
John Reed, Fairfax Town Council  
Katie Rice, Marin County Board of Supervisors  
Ray Withy, Sausalito City Council  
Tom McInerney, San Anselmo Town Council

Members Absent:

Gary Phillips, San Rafael City 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

Chair Moulton-Peters called the meeting to order at 7:05 p.m.

**1. Convene in Open Session**

Chair Moulton-Peters indicated the Board would be adjourning to a Closed Session and then would be reconvening for the rest of agenda items.

**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

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

The Board reconvened in Open Session at 7:25 p.m. and Chair Moulton-Peters noted that a closed session was held, but the report and discussion of the item would occur later in the meeting. She also asked for a motion and a second to change the agenda order slightly and move Item #12 right after Item #10.

Vice Chair Arnold moved to change the agenda order and move Item #12 just after Item #10. Commissioner Furst seconded the motion, which was unanimously approved.

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

Chair Moulton-Peters gave a brief report on the many wildfires that have been and continue to be a threat in many areas in the region. She mentioned the heroic efforts of the many agencies and volunteers that have worked so hard to defeat the fires. She also acknowledged the challenges still ahead in the rebuilding that will be necessary.

She announced as well the upcoming ribbon-cutting, "Meet Me on Miller" road improvement celebration on Saturday, November 4<sup>th</sup>, along Miller Avenue in Mill Valley, and she shared a flyer with further details of the event.

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

There were none.

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

Executive Director (ED) Dianne Steinhauser commented on the written report included as part of the supplemental packet on the dais and on the agenda table for the public. She gave an overview of some upcoming activities – three projects are in construction and progressing - the Almonte Shoreline bikeway, improvements on E. Sir Francis Drake Blvd. in Larkspur, and the Marin-Sonoma Narrows (MSN); projects that TAM is designing and managing, - improvements in connection with the approaches to the San Rafael Bridge at the Bellam off-ramp and adding another lane through the signal, design underway thru Board approved OBAG [One Bay Area Grant] funding for completion of the Marin-Sonoma Narrows, continued work on the I-580/Hwy-101 connector specifically outreach to the surrounding neighborhoods, and continued work on the North-South Greenway multi-use paths in the Larkspur/ Corte Madera area ); and she concluded with information about ongoing projects/programs such as the new Strategic Vision Plan, a new employer-employee outreach campaign to share information with commuters about alternative modes of transportation, updated information on how the Lyft service is working in terms of providing first/last mile passengers from SMART, bike plan updates all around Marin, update on San Rafael's community-based transportation plans, and a comprehensive report on the work of the Expenditure Plan Advisory Committee.

ED Steinhauser also discussed dates of the Board meetings for November and December noting that the dates had changed to November 30 and December 11.

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

ED Steinhauser confirmed that the opening of the third lane is still expected to be the end of December this year. She acknowledged ongoing traffic issues especially during this, the busiest time of year. Chair Moulton-Peters asked why that was so, which ED Steinhauser explained. She noted a number of factors including that schools are in session, the strong economy currently underway, and more people may be choosing to drive rather than bike due to the approaching winter weather.

There was no public comment on the Executive Director Report.

**7. Commissioner Reports (Discussion)**

a. Metropolitan Transportation Commission (MTC) Report

Commissioner Connolly discussed at length MTC's reaction to TAM's position to not condition state gas tax transportation funding based on housing production. He reviewed the revised provisions that were presented as an alternative due to the broad dissatisfaction of MTC member agencies and also commented on the issues that remain for TAM as well as new concerns with some of the new requirements. He indicated it will be a difficult issue to resolve and likely won't be settled for perhaps another year, and there could be strong opposition to TAM's requests.

b. Marin Transit Report

Commissioner Rice reported that Marin Transit just released its Draft Short-Range Transit Plan (SRTP), its goals specifically a 10-year plan that could outlive TAM if there is no extension to the Measure A sales tax, and its conservative and sound projections. She noted that Marin Transit will have a public hearing on the matter on November 20 followed by a presentation to the TAM Board for action at a future meeting.

Commissioner Rice also reviewed ridership and route performance statistics, which although there is a decline in ridership, she pointed out that MT has made revisions to their routes resulting in fewer transfers, as well as changes to how they count passengers with no new or expanded service

c. SMART

Vice Chair Arnold discussed a letter written by Friends of SMART to the chair of the Highway 37 Policy Committee asking that plans specifically show the use of the right-of-way for passenger rail service. She indicated it will be discussed at the upcoming SMART Board, and she requested that TAM take no action on the issue tonight.

**8. Open Time for Public Expression**

Cindy Winter, Greenbrae, commented on a letter regarding the North-South Greenway she had sent for distribution to the Board. She noted she had since talked with the project manager who said there was additional information she had not known. She will revise the letter accordingly.

Ms. Winter also expressed appreciation for the report on Marin Transit given by Commissioner Rice, specifically because of the information on transit decline. She noted that a professor from UC Berkeley has recently raised the

possibility that the decline in the use of public transit was perhaps due to the increased use of rideshare. She suggested that ED Steinhauser contact the professor for more information.

**9. CONSENT CALENDAR (Action)**

- a. Approve TAM Board Minutes of September 28, 2017
- b. Budget Increase for the TAM Junction Project.
- c. Programming of 2017 TFCA and TDA Article 3 Funds
- d. Acceptance of the FY2017-18 First Quarter Financial Report and Proposed Budget Amendments
- e. Allocate Transportation Sales Tax (Measure A) Interest Funds to Marin Transit for the Ferry “Wave Shuttle” Connector

Regarding the Board Minutes of September 28, 2017, Commissioner Fredericks clarified comments she made that were mentioned on page 9 of the Board packet, last paragraph, second sentence. She suggested it be worded, “*She expressed it seems that state legislators want to support affordable housing policies without enacting legislation that would help local jurisdictions overcome many of the constraints over which they have no control.*”

Commissioner Arnold moved to approve the Consent Calendar with the correction to the Minutes. Commissioner Lucan seconded the motion, which was approved unanimously.

**10. Review and Accept the TAM and LGS/RGS Separation Action Plan and Provide Comments on the Draft TAM Human Resources Policies and Procedure Manual (Action)**

ED Steinhauser introduced the item which recommended that 1) the TAM Board reviews and accepts the TAM and Local Government Services (LGS)/Regional Government Services (RGS) Separation Action Plan; and 2) The TAM Board reviews and provides comments on the Draft TAM Human Resources Policies and Procedures Manual. Any comments/edits received will be incorporated into the final document, which will be brought back to the Board for adoption.

She expressed the hope that the actions on this Item and Item #12 would be successful in resolving the issues that have arisen as TAM has endeavored to separate from LGS and become a separate, independent employer. She explained, as well, the purpose and makeup of the HR Ad Hoc Committee, which is providing oversight of the process, and she thanked them for their work.

ED Steinhauser added that this report is intended as an overview of the process, and expressed the hope that the separation process will be finished by the end of this year. She also indicated that Chief Financial Officer Li Zhang would present the staff report.

Ms. Zhang echoed ED Steinhauser in thanking the Ad Hoc Committee, County Counsel Brian Case, and consultant Terry Matsumoto for all their assistance, as well. She acknowledged the many steps still remaining that need to be completed before TAM achieves its goal of becoming its own employer under CalPERS. She reviewed background information, a summary of action items, the process thus far and timeline for each remaining item, and the action requested of the Board at this meeting.

ED Steinhauser explained the purpose and role of the HR Procedure Manual and the associated legal requirements. She also confirmed that staff was looking for any issues that the Board might have or need clarification on, but no formal action on the manual was being taken at this time.

Commissioner Lucan thanked Ms. Zhang for the information presented. He asked whether it was possible to tell whether the cost estimates for the process and moving forward in the future would be more than what it was with LGS, less or about the same. Ms. Zhang confirmed that the final outcome can't be known for sure yet, but TAM will have more control over the payroll and HR processes and it is hoped that there will be cost efficiencies as well.

ED Steinhauser confirmed that the one unknown is health care costs under the Affordable Care Act, which staff and the HR Ad Hoc are still reviewing options.

Commissioner Rice asked, and Ms. Zhang confirmed that she was confident that the remaining items were achievable. Commissioner Rice also asked about the hiring of new staff to handle the payroll and human resources functions, which Ms. Zhang had mentioned. Ms. Zhang explained that the new staff would be handling more than payroll tasks and that TAM has needed additional assistance in the Accounting Department ever since the accounting and finance functions were brought inhouse. She added that TAM's timesheet tracking system is extremely complex given its many fund sources. Commissioner Rice commended Ms. Zhang for doing the necessary due diligence.

Chair Moulton-Peters discussed next steps in the process, noting that the Commissioners were free to read through the materials and come back next month ready to have questions answered and vote on the issue. She also thanked staff for their hard work as well, especially the thoughtful and detailed presentation.

Item # 12 taken out of order.

## **12. Final Actions for TAM to Enter into a Contract with CalPERS for Retirement Benefits (Action)**

Consultant Terry Matsumoto presented the staff report which requested that the TAM Board: Approve Final Actions for TAM to enter into a contract with CalPERS for retirement benefits as follows:

- a. Adopt a Resolution Authorizing a Contract with CalPERS for retirement benefits (Action)
- b. Adopt a Resolution to Tax Defer Member Paid Contributions - IRC 414(h)(2) Employer Pickup (Action)
- c. Authorize the Board Chair to execute a Letter Agreement in connection with LGS's execution of the CalPERS Reallocation Agreement
- d. Adopt a Resolution Authorizing TAM to Provide Termination Notices to LGS and RGS Effective January 1, 2018, subject to LGS signing the CalPERS Reallocation Agreement

There was no public comment on the item.

Commissioner Rice moved to adopt a resolution, authorizing a contract with CalPERS for retirement benefits, effective January 1, 2018. Commissioner Rodoni seconded the motion, which was approved unanimously.

Vice Chair Arnold moved to adopt a resolution to tax defer member-paid employee contributions (employer pickup), and Commissioner Fredericks seconded the motion. It carried unanimously.

Commissioner Rice moved to authorize the Board Chair to execute a letter of agreement subject to with RGS/LGS execution of the CalPERS reallocation agreement. Commissioner Arnold seconded the motion, and it was unanimously approved.

Vice Chair Fredericks moved to approve a resolution authorizing TAM to provide termination notices to RGS/LGS, effective January 1, 2018, and Commissioner Rodoni seconded the motion. It carried unanimously.

Chair Moulton-Peters thanked LGS/RGS for their cooperation with TAM to resolve the issues, Mr. Matsumoto and Mr. Case for their assistance, and TAM staff for their hard work and patience with the process.

**11. Receive an Update and Presentation on the Metropolitan Transportation Commission (MTC) Draft Corridor Plan Financial Opportunities to Fund State Route (SR) 37 Corridor Improvements**  
(Discussion)

ED Steinhauser reviewed the background of the SR 37 Draft Corridor Plan before handing the item to Principal Project Delivery Manager Nick Nguyen. She noted that the Counties of Marin, Napa and Sonoma have been collaborating for 2 years under an MOU to address congestion relief and sea level rise. The report at this meeting was prepared by the Bay Area Toll Authority (BATA)/Metropolitan Transportation Commission (MTC). She noted that comment letters received so far are included in the packet.

Mr. Nguyen noted that SR 37, as a key corridor connecting Highways 101 and 80, has seen continued planning efforts. He reviewed factors that have contributed to accelerated planning efforts including the formation of a policy committee 2 years ago and a three-week closure in January of 2017, an MTC study called the “Sea Level Rise and Transportation Analysis Study”, the draft corridor plan, the three segments from west to east, and the key findings including congestion, flooding potential, sea level rise, strength of the levees, endangered species in the bay lands and wetlands in the corridor.

Mr. Nguyen discussed the consultants’ three stages of planning and options considered for each - “Retreating” (or “Abandoning”), “Adapting” and “Accommodating.” After reviewing the consultant’s vision statement which integrated transportation needs, sea level rise, wildlife mitigation, and multi-modal access, he gave the report’s ultimate solution as a raised roadway at a cost of \$1.6 - \$4.6 billion. He noted that Segment B from SR 121 at Sears Point to Mare Island was deemed to be the priority area, and he previewed options, starting from an additional reversible lane, all the way to a full four-lane roadway with bike path design. He pointed out that an integrated design with levees, causeways, wetland channels, and wildlife corridors would mitigate/restore a healthy bay environment, and phasing would likely include a temporary roadway built to the side.

Mr. Nguyen reported that the consultants identified \$43 million worth of short term potential improvements to the corridor. These include flood protection (such as seawalls) in Marin County, enhancements to the SR121 interchange, as well as interchange improvements at Mare Island.

He briefly touched on the potential to connect Bay Trail segments. Timelines could include short-term work through 2030, with the longer term comprehensive projects extending to and beyond 2050. He stated that the policy committee will tackle some of these issues at the next meeting on November 2.

Commissioner Hillmer asked staff to verify the long-term cost estimates. Mr. Nguyen confirmed that the estimates were correct.

Commissioner Campbell commented on a recent workshop in Belvedere where a Netherlands representative expressed concerns with sea level rise and infrastructure. In that regard he asked where the public might view the analysis rejecting the “retreat” from the existing corridor option. Mr. Nguyen referred the Commission to the packet for the draft Corridor Plan. Under that heading, the existing highway corridors, rail, and ferry services were considered not viable to address the needs. He reminded the commissioners that in these early stages, nothing is “set in stone,” and comments received will be included in the process. He reviewed comments that have proposed

an inland route, a bridge, and a rail solution. Specifically, Mr. Nguyen said he did not believe that new roads or improvements to existing ones had been scientifically analyzed.

Commissioner Lucan reported on an earlier meeting he attended with the League of Women Voters and the Water Resources Board where other alignments were proposed. Mr. Nguyen said he had heard some of them including over-the-water and a tunnel route. He advised that a UC Davis study had ruled some of them out on the basis of engineering/cost.

Commissioner Rice remarked that she was glad that nothing was set in stone, in view of the pace of change in technology and human behavior variables. She felt that even ten-year projections fail to take into account changes in the way we travel. Even as the committee looked at short-term needs, she asked if there would be “off-ramps” to allow modifications as the long-term picture changes.

Regarding the implementation time-line, Chair Moulton-Peters asked whether it reflected expedited toll funds or Caltrans funding alone. Mr. Nguyen confirmed it depended on expedited toll funding, not through federal or state funds such as county STIP funding.

Mr. Nguyen continued the presentation with a discussion of ongoing outreach activities related to the Corridor throughout neighboring jurisdictions. He also reported that Solano County transportation officials have said they were ready to go forward with planning for Segment B, including funding discussions with MTC, and plans for the environmental work. He also discussed the overall funding for the Corridor, which will be divided among the four counties, as well as a planning grant that TAM had applied for with Marin County and will be used for projects in Segment A.

In response to a question from Vice Chair Arnold, Mr. Nguyen discussed the scope of projects that would likely be included under the planning grant; notably that it was to be dedicated to levee review and watershed impacts in Segment A. Regarding the environmental review that would be necessary, ED Steinhauser explained that it was unclear at this time whether a single study for the whole corridor would be sufficient or if individual documents would be required for individual areas.

The Chair thanked staff for the report.

## **12. Caltrans Report (Discussion)**

ED Steinhauser acknowledged the many challenges facing Caltrans currently, as well as the full agendas in the near future for TAM, but she indicated she is still working to have them come and update the Board on their activities in and around Marin.

The meeting was adjourned at 8:50 p.m.

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