



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Transportation Authority of Marin Return to Source Grant.

RECOMMENDED ACTION:

Note and File – Information Only

Execution of Amendment No. 3 to Agreement with Transportation Authority of Marin

SUMMARY

Voters in Marin approved Measure “A” in November of 2004. The Transportation Authority of Marin was formed to administer Measure “A”. The Measure included provisions to allocate some of the revenue in the form of “return to source” funds for local transportation improvement programs. These funds are allocated annually. TAM has prepared Amendment No. 3 to Funding Agreement 2007-013 with Sausalito, to enable the disbursement of return to source funds for Fiscal Year 2010/11 for a total of \$59,150.

With Resolution 5103 of January 12, 2010 the Council authorized the City Manger to execute funding agreement amendments subsequent to Amendment No. 2. Therefore, with this report, Staff is advising Council of the City Manager’s approval TAM Funding Agreement Amendment No. 3 to TAM Agreement #2007-013.

BACKGROUND

Voters in Marin approved Measure A in November of 2004. It is a ½ percent Sales Tax for Marin County Transportation purposes. The Measure “A” authorized the formation of Transportation Authority of Marin to administer Measure “A” revenues. Measure “A” included “Return to Source” funds for local transportation improvement programs. These funds are allocated to the Sausalito Street Repair Program.

Sausalito received a first disbursement in 2008 for \$65,997. As the TAM organization was formalized, funding agreements were prepared with Marin County cities including Sausalito. With the execution of the agreement Sausalito received \$75,274 as a second disbursement in 2009. TAM prepared Amendment No. 2 of the agreement to enable a third disbursement of funds to Sausalito of \$134,737. TAM has prepared Amendment No. 3 to the funding agreement that will enable the disbursement of \$59,150. This amount was

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determined using a formula that was weighted 50% based upon population and 50% based upon street mileage.

To obtain these funds the City must execute an agreement amendment with the Transportation Authority of Marin. TAM has prepared an Agreement Amendment No. 3 to enable funds disbursement.

ISSUES

The funds must be used for transportation purposes. This can include street and roads projects, local transit projects, bicycle projects, and pedestrian projects. The Sausalito Budget programmed TAM funds for the Street Repair Program. If there are remaining amounts they will be allocated to go into Measure A Fund fund balances.

The agreement outlines conditions for the funds, including:

- record keeping
- financial reporting,
- compliance with environmental regulations,
- acknowledging the source of the funds on transportation projects.
- Using the funds only on eligible expenses

These requirements are typical to assure openness and "transparency" with regard to the use of the funds.

TAM allocates Return to Source funds annually. The Council authorized the City Manager to execute the attached agreement on behalf of the City with Resolution 5103 adopted in January 12, 2010. Staff believes it is prudent to inform the Council to of this requested action and revenue implications.

FISCAL IMPACT

Approving this item provides revenue for transportation projects which historically come from State Gas Tax proceeds. For many years Gas Tax funds have not been sufficient to address all street maintenance needs. Even with TAM return to source revenue augmentation, revenues still are insufficient for street maintenance needs which have been estimated to be approximately 1.2 million dollars per year.

TAM allocations must be used for eligible transportation projects. The current Budget anticipates these TAM revenues and Staff recommends that the funds be allocated as budgeted. In the current Budget the funds are used for the Street Repair Program.

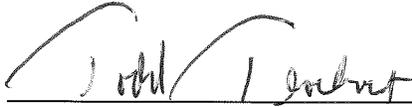
TAM's policy is to hold return to source allocations until the local agency has made claim to them. The Amendment includes a Allocation Request form to allow rapid disbursement.

The FY 2011 Budget anticipated receiving \$65,000 from TAM Measure A Funds.

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ATTACHMENTS: TAM Agreement #2007-013
Amendment No. 3
Resolution 5103

PREPARED BY:



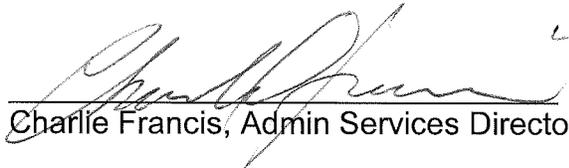
Todd Teachout, City Engineer

REVIEWED BY (Department Head):



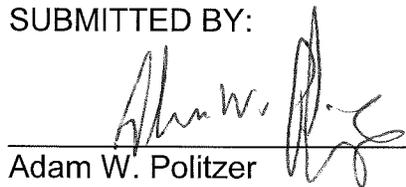
Jonathon Goldman, Director of Public Works

REVIEWED BY:



Charlie Francis, Admin Services Director

SUBMITTED BY:



Adam W. Politzer
City Manager

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**AMENDMENT NO. 3 TO FUNDING AGREEMENT 2007-013 BY AND BETWEEN
THE TRANSPORTATION AUTHORITY OF MARIN
AND THE CITY OF SAUSALITO**

THIS AMENDMENT NO. 3 to Funding Agreement 2007-013 is made and entered into this _____ day of _____ 2010, by and between the Transportation Authority of Marin, hereinafter referred to as "TAM," and the City of Sausalito, hereinafter referred to as "RECIPIENT."

RECITALS:

WHEREAS, TAM and the RECIPIENT entered into Funding Agreement 2007-013 ("AGREEMENT") for allocation of Measure A funds from Strategy 3.2 of the Measure A Strategic Plan to complete work on projects identified as Local Infrastructure for All Modes in the Measure A Expenditure Plan; and

WHEREAS, Section 3 of AGREEMENT obligated RECIPIENT to complete work in accordance to the RECIPIENT's Measure A Sales Tax Program Allocation Request Form; and

WHEREAS, Section 4 to AGREEMENT stipulated the maximum cost to TAM for services to be provided by the RECIPIENT shall not exceed \$276,008 as amended by Amendment No. 1 and No. 2; and

WHEREAS, TAM and RECIPIENT desire to amend AGREEMENT to augment the scope of work and increase the maximum cost to TAM by \$59,150 to complete work identified in EXHIBIT I; and

NOW, THEREFORE, The parties agree to amend AGREEMENT as set forth below.

AGREEMENT:

- A. The parties shall perform under this Amendment upon the same terms and conditions as the AGREEMENT except as amended herein below.
- B. Section 3 of AGREEMENT is hereby amended to read, as follows:

SECTION 3. PROJECT DEFINITION AND SCOPE

This AGREEMENT, approved through TAM Resolutions 2006-14, 2007-16, 2009-12, and 2010-10 in accordance with the requirements of TAM's Measure A Expenditure Plan and Strategic Plan, is made for the funding of the following project ("Project") identified in the RECIPIENT's Measure A Sales Tax Program Allocation Request Form (Attached):

Local Infrastructure for All Modes

Additional information on project scope is included in the Measure A Sales Tax Program Allocation Request Forms.

- C. Section 4 of AGREEMENT is hereby amended to read, as follows:

SECTION 4. GRANT

TAM hereby grants to the RECIPIENT the sum of \$65,997 as designated in TAM Resolution No. 2006-14, approved July 27, 2006, \$75,274 as designated in TAM Resolution No. 2007-16, approved July 26, 2007, \$134,737 as designated in TAM Resolution No. 2009-12, approved June 25, 2009, and \$59,150 as designated in TAM Resolution No. 2010-10, approved June 24, 2010, which are attached as EXHIBITS D, F, G, and J and are included in this AGREEMENT by reference.

- D. Section 34 of AGREEMENT is hereby amended to read, as follows:

SECTION 34. EXHIBITS

The following Exhibits are hereby made part of this AGREEMENT:

1. EXHIBIT A: Conditions on Sub-Strategy 3.2
2. EXHIBIT B: Allocation Request Form – FY 06/07
3. EXHIBIT C: Project Report (Sample Format)
4. EXHIBIT D: TAM Board Resolution 2006-14
5. EXHIBIT E: Allocation Request Form – FY 07/08
6. EXHIBIT F: TAM Board Resolution 2007-16
7. EXHIBIT G: Allocation Request Form – FY 09/10
8. EXHIBIT H: TAM Board Resolution 2009-12
9. EXHIBIT I: Allocation Request Form – FY 10/11
10. EXHIBIT J: TAM Board Resolution 2010-10

E. Amendment No. 3 shall supersede all prior amendments.

IN WITNESS WHEREOF, The parties have executed this Amendment No. 3 on the date first above written.

CITY OF SAUSALITO:

TRANSPORTATION AUTHORITY OF MARIN:

By: _____
Authorized Signature

By: _____
Dianne Steinhauser, Executive Director

Name (Print)

Title

Approved as to form:

By: _____
Attorney, City of Sausalito

Name (Print)

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EXHIBIT I

**Transportation Authority of Marin
Measure A – Transportation Sales Tax**

Allocation Request Form

Fiscal Year of Allocation: 2010/11

Expenditure Plan: Local Roads and Related Infrastructures (Strategy 3.2)

Project Name: Street Repair Program

Implementing Agency: City of Sausalito

Scope of Work: Misc. Transportation Improvements including but not limited to pavement maintenance, storm drain repair, ADA accessibility improvements, traffic control (signs, delineation, signals), street lighting, storm drainage, survey monumentation, curbs, gutters, sidewalk.

Cost of Scope: \$59,150

Strategic Plan Programmed Amount: \$59,150

Requested Amount: \$59,150

Other Funding: None, 100% Measure A.

Cash flow Availability: FY 10/11

Project Delivery Schedule (include start & completion milestones):

Preliminary Engineering (Design/Env) – January 2011

Construction – October 2011

Environmental Clearance: Categorical Exemption anticipated

Non-Motorized Travel Considerations:

Have the needs of non-motorized travelers been considered in the design of the project and is the project consistent with Caltrans Deputy Directive 64? **Yes/No**

Is non-motorized travel impeded by this project? **Yes/No**

If yes, has a cross-facility, non-motorized access been included in the project?

Has a parallel non-motorized facility been designed to accommodate non-motorized travelers?
Yes/No – Not Yet, To Be Determined

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EXHIBIT J

TAM RESOLUTION NO. 2010-10

RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN FOR THE ALLOCATION OF \$1,971,801 IN MEASURE A, STRATEGY 3.2, FUNDS TO BELVEDERE, CORTE MADERA, MILL VALLEY, NOVATO, SAN ANSELMO, SAN RAFAEL, SAUSALITO, TIBURON, AND MARIN COUNTY

WHEREAS, The voters of Marin County approved the authorization of Measure A at the General Election held on November 2, 2004, thereby authorizing that TAM be given the responsibility to administer the proceeds from a one-half cent transaction and use tax; and

WHEREAS, The duration of the tax will be 20 years from the initial year of collection, which began April 1, 2005, with said tax to terminate on March 31, 2025; and

WHEREAS, The tax proceeds will be used to pay for the programs and projects outlined in TAM's Expenditure Plan; and

WHEREAS, TAM has developed a Strategic Plan to provide guidance on implementing the Expenditure Plan; and

WHEREAS, The Strategic Plan programs Measure A funds over a 20 year period to the four strategies listed in the Expenditure Plan, including Strategy 3.2, Local Infrastructure for all Modes; and

WHEREAS, Measure A funds for Strategy 3.2, Local Infrastructure for all Modes, are programmed under the Strategic Plan to Marin County and the cities or towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon for infrastructure improvement projects that are prioritized by the respective Public Works Directors; and

WHEREAS, Measure A funds for Strategy 3.2 can be used for street and road projects, local transit projects, and bicycle and pedestrian projects.

WHEREAS, Infrastructure improvement projects funded with Measure A funds for Strategy 3.2 will be approved by the County's and Cities' governing boards at public meetings, and

WHEREAS, The project sponsors are requesting funds from Strategy 3.2 that have been accumulated for FY 10/11; and

WHEREAS, These allocations are consistent with the 2010 Measure A Strategic Plan Update; and

WHEREAS, There are sufficient funds in the Strategy 3.2 line item of the TAM's approved FY 10/11 budget to cover the proposed action; and

WHEREAS, After reviewing the request in coordination with project sponsors, TAM staff recommended allocating \$1,971,801 in Measure A funds as requested; now, therefore, be it

RESOLVED, That the Transportation Authority of Marin hereby allocates a total of \$1,971,801 in Measure A funds for eligible projects under Strategy 3.2 for FY 10/11 in the following distributions: \$21,354 for the City of Belvedere, \$73,457 for the Town of Corte Madera, \$118,940 for the City of Mill Valley, \$385,007 for the City of Novato, \$94,170 for the Town of San Anselmo, \$414,048 for the City of San Rafael, \$59,150 for the City of Sausalito, \$71,962 for the Town of Tiburon, and \$733,713 for the County of Marin; and be it further

RESOLVED, That the Transportation Authority of Marin finds the allocations of these funds to be in conformance with the priorities and funding levels established in the Measure A Expenditure Plan and the 2010 Measure A Strategic Plan Update; and be it further

RESOLVED, That the Transportation Authority of Marin hereby authorizes the actual expenditure (cash reimbursement) of funds for these activities to take place subject to the Fiscal Year Cash Flow Distribution Schedule detailed in the attached Allocation Request Forms; and be it further

RESOLVED, That as a condition of this authorization for expenditure, the Executive Director shall impose such terms and conditions as are necessary for the project sponsors to comply with applicable law and adopted Authority policies and execute Funding Agreements with the respective project sponsors to that effect; and be it further

RESOLVED, That as a condition of this authorization for expenditure, the referenced project sponsors shall provide the Authority with any other information it may request regarding the use of the funds hereby authorized.

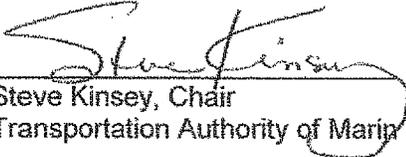
PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin held on the 24th day of June 2010, by the following vote:

AYES: Commissioners: Adams, Arnold, Boro, Brown, Greene, Kellner, Kinsey, Lundstrom, McGlashan, Moulton-Peters, O'Donnell, Skall

NOES: Commissioners:

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ABSENT: Commissioners: Fredericks, Furst, Tremaine, Weiner


Steve Kinsey, Chair
Transportation Authority of Maryland

ATTEST:


Dianne Steinhauser
Executive Director

5103

RESOLUTION NO. 5103

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
APPROVING AMENDMENTS TO TAM AGREEMENT #2007-013 (RETURN
TO SOURCE) AND AUTHORIZING THE CITY MANAGER TO EXECUTE
FUNDING AGREEMENT DOCUMENTS ON BEHALF OF THE CITY**

WHEREAS, the voters in Marin County approved Measure A in November of 2004 creating a 0.5% sales tax to fund transportation improvements in the county, and

WHEREAS, the provisions in Measure A provide additional revenues to Marin County Communities to augment transportation activities; and

WHEREAS, the Transportation Authority of Marin (TAM) was formed to administer Measure A proceeds which has prepared an agreement to enable disbursement of funds to the City of Sausalito for local transportation programs; and

WHEREAS, the terms and conditions of the disbursement are detailed in TAM Agreement #207-013 which the City Council approved in December of 2006; and

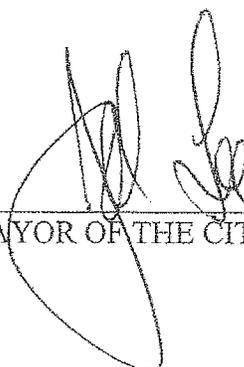
WHEREAS, the TAM Agreement #2007-013 is mended from time to time to provide additional disbursements to the City of Sausalito.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito:

1. Approves Amendment No. 2 of TAM Agreement #2007-013.
2. Authorizes the City Manager to execute said funding agreement amendment and subsequent funding agreement amendment documents on behalf of the City.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Sausalito on the 12th day of January, 2010 by the following vote:

AYES:	Councilmembers:	Ford, Kelly, Pfeifer, Weiner and Mayor Leone
NOES:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None
ASENT:	Councilmembers:	None



 MAYOR OF THE CITY OF SAUSALITO

4/11

