



Council Meeting: February 8, 2011

SUBJECT: East Channel Trail Grant Funding – Approval of Resolution of Support and Budget Modification No. 25

BACKGROUND

The City was recently awarded a grant for construction of an East Channel Trail that will extend from the John W. Christian Greenbelt to Tasman Drive. Funding is Federal transportation funding via the Santa Clara Valley Transportation Authority (VTA) Community Design and Transportation Program. Funds are programmed by the Metropolitan Transportation Commission (MTC).

Grant funds are in the amount of \$594,000, with a required 20 % local match for a total project budget of \$743,000. Matching funds are proposed to be provided from Sense of Place developer fees. The MTC requires the approval of a resolution of support committing to complete the project and stating the City's understanding of the funding process. Consequently, staff recommends approval of the attached Resolution (Attachment A). Staff also recommends approval of Budget Modification No. 25 at this time to appropriate grant and matching funds to allow work to begin on this project.

EXISTING POLICY

Land Use and Transportation Element C3, Attain a transportation system that is effective, safe, pleasant and convenient.

Land Use and Transportation Element C3.7, Pursue local, state and federal transportation funding sources to finance City transportation capital improvement projects consistent with City priorities.

DISCUSSION

Staff has submitted grant application materials to the Valley Transportation Authority and has secured approval for an East Channel Trail project. This project was first identified in the Tasman/Fair Oaks Bicycle and Pedestrian Circulation Plan and is currently in the Resource Allocation Plan as an unfunded, revenue dependent project. It is listed in the VTA Bicycle Expenditure Program and Bicycle Plan. This project will construct a paved multi-use bicycle and pedestrian trail connecting the John W. Christian Greenbelt and the Lakewood Village neighborhood to Tasman Drive near the Fair Oaks light rail station.

FISCAL IMPACT

The total cost of the project is \$743,000. Of this amount, \$149,000 will be required City matching funds. The local match is proposed to be provided from Sense of Place developer fee revenue. The City has a total of \$364,209 of Sense of Place funds available for appropriation.

Budget Modification No. 25 has been prepared to appropriate grant revenues and local matching funds in the amount of \$743,000 into the Sunnyvale East Channel Trail project.

**Budget Modification No. 25
 FY 2010/2011**

	<u>Current</u>	<u>Increase/ (Decrease)</u>	<u>Revised</u>
Capital Projects Fund/ General Assets Subfund			
<u>Revenues:</u>			
Santa Clara Valley Transportation Authority (VTA)	\$0	\$594,000	\$594,000
<u>Expenditures:</u>			
Sunnyvale East Channel Trail Project	\$0	\$743,000	\$743,000
Capital Projects Fund/ Sense of Place Subfund			
<u>Reserves:</u>			
Sense of Place developer fees	\$364,209	(\$149,000)	\$215,209

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin boards outside City Hall, in the Council Chambers lobby, the City Clerk’s office, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City’s Web site; and making the report available at the Library and Office of the City Clerk.

ALTERNATIVES

1. Approve the attached Resolution of Support committing to complete the projects and stating the City’s understanding of the funding process, and approve Budget Modification No. 25 to appropriate grant revenues and matching funds in the amount of \$743,000 to the Sunnyvale East Channel Trail Project.
2. Do not take action at this time and forfeit the opportunity for federal transportation funds distributed through the Santa Clara VTA.

RECOMMENDATION

1. Staff recommends Alternative No. 1: Approve the attached Resolution of Support committing to complete the projects and stating the City’s understanding of the funding process, and approve Budget Modification No. 25 to appropriate grant revenues and matching funds in the amount of \$743,000 to the Sunnyvale East Channel Trail Project.

Reviewed by:

Marvin A. Rose, Director of Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Reviewed by:

Grace Leung, Director of Finance

Approved by:

Gary M. Luebbbers, City Manager

Attachment:

- A. Resolution of Support

**Resolution of Local Support
STP/CMAQ Funding**

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AUTHORIZING THE FILING OF AN
APPLICATION FOR FEDERAL SURFACE
TRANSPORTATION PROGRAM (STP) AND/OR
CONGESTION MITIGATION AND AIR QUALITY
IMPROVEMENT (CMAQ) FUNDING AND COMMITTING
THE NECESSARY NON-FEDERAL MATCH AND STATING
THE ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, City of Sunnyvale (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$594,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the East Channel Pedestrian and Bicycle Corridor (herein referred to as PROJECT) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continued the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

WHEREAS, SAFETEA has been extended pursuant to Public Law 11-118 and may be subsequently extended pending enactment of successor legislation for continued funding; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO 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 STP/CMAQ funds; and

WHEREAS, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in 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, and if approved, as included in MTC's TIP; and
- 5) that the project will comply with all the project-specific requirements as set forth in the PROGRAM.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it further

BE IT FURTHER RESOLVED that the APPLICANT, by adopting this resolution, does hereby state that:

1. APPLICANT will provide \$149,000 (20% of total project cost) in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ 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 STP/CMAQ 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, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in the program.

BE IT FURTHER:

RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and 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; and be it further

RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and 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 TIP.

Adopted by the City Council at a regular meeting held on _____, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

 City Clerk
 (SEAL)

 Mayor

APPROVED AS TO FORM AND LEGALITY:

 David E. Kahn, City Attorney