

# TRI-VALLEY TRANSPORTATION COUNCIL

## TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2022-14

### A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL TO ALLOCATE \$2,287,629 IN TRI-VALLEY TRANSPORTATION DEVELOPMENT FEE (TVTDF) FUNDS TO THE CITY OF SAN RAMON FOR STRATEGIC EXPENDITURE PLAN PROJECT C.11A IRON HORSE TRAIL BICYCLE-PEDESTRIAN OVERCROSSING AT BOLLINGER CANYON ROAD FOR FY 2022-2023

**WHEREAS**, in 1995, the Tri-Valley Transportation Council (TVTC) adopted the “Tri-Valley Transportation Plan/Action Plan (TVTP/AP) for Routes of Regional Significance; and

**WHEREAS**, in 1998, the TVTC, and the City of San Ramon entered into a Joint Exercise Powers of Agreement (JEPA) to provide authority to collect a Tri-Valley Transportation Development Fee (TVTDF) to collect impact fees for the traffic mitigation to be applied to TVTC priority projects; and

**WHEREAS**, on August 16, 2021 TVTC unanimously approved Resolution No. 2021-10 Adopting the Tri-Valley Transportation Council 2020 Nexus Fee Update Study; and

**WHEREAS**, on April 18, 2022, the TVTC unanimously approved Resolution No 2022-07 Adopting the Strategic Expenditure Plan (SEP) Update and SEP Funding Plan, which guides the expenditure of revenue collected from TVTDF; and

**WHEREAS**, the SEP identifies priorities, project sponsors, and funding for TVTDF projects; and

**WHEREAS**, the 2022 Strategic Expenditure Plan Update programmed \$2,287,629 in fiscal year 2022-23 for the Iron Horse Trail Bicycle Pedestrian Overcrossing at Bollinger Canyon Road (Project C-11A); and

**WHEREAS**, final design of the Project is underway and construction is anticipated to begin in the fall of 2022; and

**WHEREAS**, the City of San Ramon is the project sponsor and has requested project funding allocation.

# TRI-VALLEY TRANSPORTATION COUNCIL

**NOW THEREFORE, the Tri-Valley Transportation Council resolves** as follows:

1. The TVTC authorizes the TVTC Administrator and Treasurer to transmit \$2,287,629 in funds from the TVTDF account to the City of San Ramon, the project sponsor for the Iron Horse Trail Bicycle Pedestrian Overcrossing at Bollinger Canyon Road Project (Project C.11A);
2. The TVTC approves the draft Funding Agreement between TVTC and the City of San Ramon substantially in the form attached hereto and incorporated herein as Exhibit A, subject to final review and minor modification by TVTC's General Counsel, and authorizes the Chair to execute the Funding Agreement;
3. The TVTC authorizes any related activities necessary to further the intent of this resolution.

**PASSED, APPROVED AND ADOPTED** at the meeting of July 18, 2022, by the following votes:

**AYES:** Josey, Americh, Haubert, Kiick, Brown, Perkins

**NOES:**

**ABSENT:** Anderson

**ABSTAIN:**

DocuSigned by:  
  
56B0FE12F03F448...  
\_\_\_\_\_  
Jean Josey, Chair  
Tri-Valley Transportation Council

**ATTEST:**

DocuSigned by:  
  
\_\_\_\_\_  
Sai Midididdi, TVTC Administrative Staff

**FUNDING AGREEMENT BETWEEN  
THE TRI-VALLEY TRANSPORTATION COUNCIL AND CITY OF SAN RAMON  
FOR THE ALLOCATION OF TVTDF FUNDS IN THE AMOUNT OF \$2,287,629 FOR  
THE IRON HORSE TRAIL BICYCLE PEDESTRIAN OVERCROSSING AT  
BOLLINGER CANYON ROAD PROJECT (Project C.11A)**

This AGREEMENT is made and entered into as of 9/14/2022, 2022 by and between the Tri-Valley Transportation Council and the City of San Ramon (SAN RAMON), collectively referred to herein as the “Parties.”

RECITALS

- A. **WHEREAS**, SAN RAMON, as one of the members of the Tri-Valley Transportation Council (“TVTC”), is a signatory to the Joint Exercise of Powers Agreement pertaining to the Tri-Valley Transportation Development Fee (“TVTDF”); and
- B. **WHEREAS**, the Iron Horse Trail Bicycle Pedestrian Overcrossing at Bollinger Canyon Road Project (“Project”) is identified on List C of the TVTC Strategic Expenditure Plan (“SEP”) and is programmed for funding in the SEP Funding Plan; and
- C. **WHEREAS**, SAN RAMON is the Project sponsor and requested a TVTDF funding allocation; and
- D. **WHEREAS**, pursuant to TVTC Resolution No. 2022-14, TVTC approved the allocation of \$2,287,629.00 of TVTDF funds to SAN RAMON for the Project; and
- E. **WHEREAS**, the Parties desire to enter into this Funding Agreement to outline the terms and obligations associated with the allocation of TVTDF funds;

**NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:**

SECTION I

TVTC AGREES:

- A. To allocate and transmit to SAN RAMON \$2,287,629.00 of TVTDF funds for the Project.

SAN RAMON AGREES:

- A. To utilize the TVTDF funds solely for the Project, in accordance with the SEP.
- B. To keep and maintain accurate documentation consistent with Generally Accepted Accounting Principles (GAAP) related to the expenditure of the TVTDF funds allocated for the Project.

- C. To make any and all documentation related to the Project's use of TVTDF funds available to TVTC or its representatives upon request.
- D. To promptly notify TVTC of any unspent TVTDF funds after Project completion and promptly return said funds to TVTC.

SECTION II

IT IS MUTUALLY AGREED:

- A. Any notice given under this Funding Agreement shall be in writing and shall be deemed given if delivered personally or mailed by registered or certified mail or commercial overnight courier, return receipt or confirmation of delivery requested, or by facsimile transmission with voice confirmation of receipt, the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

If to SAN RAMON:

Chris Weeks, Division Manager  
City of San Ramon  
Transportation Division  
7000 Bollinger Canyon Road  
San Ramon, CA 94583  
[cweeks@sanramon.ca.gov](mailto:cweeks@sanramon.ca.gov)

If to TVTC:

Sai Midididdi, T.E  
Attention: TVTC Administrator  
City of Dublin  
100 Civic Plaza  
Dublin, CA 94568  
[Sai.Midididdi@dublin.ca.gov](mailto:Sai.Midididdi@dublin.ca.gov)

**SIGNATURES ON THE NEXT PAGE**

**CITY OF SAN RAMON** *mf*  
A Municipal Corporation  
"SAN RAMON"

David E. Hudson  
David E. Hudson, Mayor

**APPROVED AS TO FORM:**

Martin Lysons  
Martin Lysons, City Attorney

**ATTEST:**

Christina Franco  
Christina Franco, City Clerk

2022-115  
City Council Resolution No.

**TRI-VALLEY TRANSPORTATION  
COUNCIL**

Jean Josey  
Jean Josey, Chair

**APPROVED AS TO FORM:**

Steven Mattas  
Steven Mattas, TVTC Counsel

**ATTEST:**

Sai Midididdi  
Sai Midididdi, TVTC Administrator

**RESOLUTION NO. 2022-115**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAMON APPROVING A FUNDING AGREEMENT BETWEEN THE TRI-VALLEY TRANSPORTATION COUNCIL AND THE CITY OF SAN RAMON OUTLINING THE TERMS AND OBLIGATIONS ASSOCIATED WITH THE ALLOCATION OF \$2,287,629 IN TRI-VALLEY TRANSPORTATION DEVELOPMENT FUNDS FOR THE CONSTRUCTION OF THE IRON HORSE TRAIL BICYCLE/PEDESTRIAN OVERCROSSING PROJECT AT BOLLINGER CANYON ROAD**

**WHEREAS**, the City is one of the member agencies of the Tri-Valley Transportation Council (TVTC); and

**WHEREAS**, the City is a signatory to the Joint Powers Agreement (JPA) pertaining to the Tri-Valley Transportation Development Fee (TVTDF); and

**WHEREAS**, the Iron Horse Trail (IHT) Bicycle/Pedestrian Overcrossing Project at Bollinger Canyon Road (Project) is identified on List C of the TVTC Strategic Expenditure Plan (SEP), adopted by TVTC June 2022 and is programmed for funding in the SEP Funding Plan; and

**WHEREAS**, the City is the Project sponsor and requested a TVTDF funding allocation of \$2,287,629 for the Project; and

**WHEREAS**, pursuant to Resolution No. 2022-14, on July 18, 2022, TVTC approved the allocation of \$2,287,629 of TVTDF funds to the City for the Project; and

**WHEREAS**, the City and TVTC desire to enter into this Funding Agreement to outline the terms and obligations associated with the allocation of TVTDF funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Ramon does hereby authorize the Mayor to execute a funding agreement with Tri-Valley Transportation Council (TVTC) outlining the terms and obligations associated with the allocation of \$2,287,629 in Tri-Valley Development Funds for the construction of the Iron Horse Trail Bicycle/Pedestrian Overcrossing Project at Bollinger Canyon Road; and

**BE IT FURTHER RESOLVED**, that:

**TVTC Agrees:**

1. To allocate and transmit to the City of San Ramon, \$2,287,629 of TVTDF funds for the Project.

**San Ramon Agrees:**

1. To utilize the TVTDF funds solely for the Project, in accordance with the SEP.

2. To keep and maintain accurate documentation consistent with Generally Accepted Accounting Principles (GAAP) related to the expenditure of the TVTDF funds allocated for the Project.
3. To make any and all documentation related to the Project's use of TVTDF funds available to TVTC or its representatives upon request.
4. To promptly notify TVTC of any unspent TVTDF funds after Project completion and promptly return said funds to TVTC.

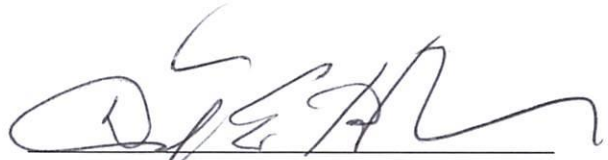
**PASSED, APPROVED, AND ADOPTED**, at the meeting of August 9, 2022 by the following votes:

**AYES:** *Cm. Armstrong, Perkins, Verose, Zafar, and Mayor Hudson*

**NOES:**

**ABSENT:**

**ABSTAIN:**



David E. Hudson, Mayor

**ATTEST:**



Christina Franco, City Clerk