

City of Brisbane Agenda Report

TO: Honorable Mayor and City Council
FROM: Director of Public Works/City Engineer via City Manager
SUBJECT: American Recovery and Reinvestment Act of 2009 (ARRA)
DATE: February 17, 2009

City Council Goals:

To maintain and improve infrastructure. (#3)

To promote intergovernmental opportunities that enhances services and/or reduces cost of operations and services to city residents. (#10)

Purpose:

To obtain Council's approval of the Resolution required by the Metropolitan Transportation Commission as a condition to receive transportation funding from the American Recovery and Reinvestment Act of 2009.

Recommendation:

Approve Resolution No. 2009-09.

Background:

The Metropolitan Transportation Commission (MTC) is the federal Metropolitan Planning Organization for the nine counties of the San Francisco Bay Region. In that capacity, they are required to develop programs and guidelines for the distribution of federal dollars for use on local transportation projects. One of the MTC's guidelines requires that the enclosed resolution, without any changes, be adopted by the local agency before they are eligible to receive federal funds. This requirement for ARRA funds is nearly identical to requirements and resolutions previously adopted by the Brisbane City Council in order to receive funds from the federal Congestion Mitigation and Air Quality (CMAQ) program for intersection improvements on Bayshore Boulevard.

City staff has been working with C/CAG (the local Congestion Management Agency) for over a month to develop a project submittal that will meet the requirements expected to be attached to the final legislation that will provide the funding. In addition to obtaining

C/CAG's positive recommendation, the project will also need to be cleared through the Caltrans Local Project Assistance office.

The project which has received C/CAG's recommendation is Bayshore Boulevard Overlay. The dollar amount we might receive will be unknown until after the federal legislation is passed. It is possible that we could receive a dollar amount in the low \$100K; however, staff has written the application and prepared plans and specifications so that we could utilize up to \$3.245M, and essentially pave the entire length of Bayshore Boulevard that has not received an overlay in the last 3-5 years.

Discussion:

If the recommended action is not taken, then the City will not be eligible for transportation related funds from the American Recovery and Reinvestment Act of 2009.

Fiscal Impact:


The funds will be forthcoming from the economic stimulus package presently under consideration by the federal government.

Measure of Success

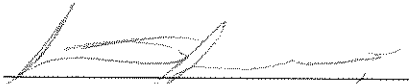
If MTC approves the Bayshore Boulevard Overlay project and includes it in MTC's Transportation Improvement Program.

Attachments:

Resolution No. 2009-09



Director of Public Works/City Engineer



City Manager

**Resolution of Local Support
American Recovery and Reinvestment Act of 2009 (ARRA) Funding**

Resolution No. 2009-09

Authorizing the filing of an application for federal American Recovery and Reinvestment Act of 2009 (ARRA) funding and stating the assurance to complete the project

WHEREAS, CITY OF BRISBANE (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for up to \$3.245M in funding from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the BAYSHORE BLVD OVERLAY PROJECT (herein referred as PROJECT) for the MTC Regional ARRA Program (MTC Resolution No. 3885) (herein referred as PROGRAM); and

WHEREAS, pursuant to ARRA, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional ARRA 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 applicable to federal ARRA fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ARRA; and

WHEREAS, APPLICANT is an eligible project sponsor for ARRA funds; and

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

- 1) that the sponsor understands that the ARRA funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and
- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3885); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal ARRA and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the American Recovery and Reinvestment Act of 2009 for PROJECT; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

-
1. APPLICANT understands that the ARRA 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 ARRA or MTC-programmed funds; and
 2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
 3. 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
 4. PROJECT will comply with all the project-specific requirements as set forth in the ARRA and appropriate applicable regulations or guidance; 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 Executive Director, General Manager, or designee to execute and file an application with MTC for ARRA 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.

Regularly passed and adopted this 17th day of February, 2009.

A. Sepi Richardson
Mayor

I hereby certify the foregoing Resolution 2009-09 was duly and regularly adopted at a regular meeting of the City Council held on February 17, 2009 by the following vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk