



CITY COUNCIL AGENDA REPORT

Meeting Date: September 5, 2024

From: Director of Public Works/City Engineer

Subject: Brisbane Lagoon-US101 Adaptation Planning Study

This Ordinance is exempt from CEQA because it is not a project (CCR Title 14 §15378 (b) (4)).

Community Goal/Result: Ecological Sustainability

Purpose

To identify a party authorized to execute grants with the California Department of Transportation (Caltrans).

Recommendation

Approve a resolution “Authorizing the Director of Public Works/City Engineer to execute agreements with the California Department of Transportation for a Brisbane Lagoon and U.S. Highway 101 Adaptation Planning Study”.

Background

City staff working with our consultant Renne Public Policy Group applied for and have been notified of award for a planning grant to consider the impacts and responses to sea level rise on the Brisbane Lagoon and US 101.

Discussion

As specified in the grant award letter, the city is required to provide a Resolution identifying the party to execute the associated grant agreements. The attached Resolution was presented in draft form to Caltrans and approved by them. Failure to approve this Resolution will result in the city not receiving the grant funds.

Fiscal Impact

The grant amount is \$259,920. Once the grant is finalized, city staff will request an obligation of \$34,000 to meet the required local match.

Measure of Success: Receipt of grant funds to complete the identified study.

Environmental Review

Adoption of this ordinance does not need further environmental review under the California Environmental Quality Act (CEQA) as it is a fiscal activity that does not involve commitment to any specific project and therefore it is not a “project”(California Code of Regulations, Title 14, Division 6, Chapter 3, Article 20, §15378 (b) (4)).

Attachments

1. Proposed Resolution
2. Caltrans 7/9/24 notification of grant award

Randy Breault

Randy Breault, Public Works Director

Jeremy Dennis

Jeremy Dennis, City Manager

RESOLUTION NO. 2024-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO
EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION FOR THE BRISBANE LAGOON AND U.S. HIGHWAY 101
ADAPTATION PLANNING STUDY**

WHEREAS, the City of Brisbane is eligible to receive Federal and/or State funding for certain transportation planning related plans through the California Department of Transportation; and

WHEREAS, a Restricted Grant Agreement is needed to be executed with the California Department of Transportation before such funds can be reimbursed through the Transportation Planning Grant Program; and

WHEREAS, the City of Brisbane wishes to delegate authorization to execute these agreements and any amendments thereto; and

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Brisbane as follows:**

The Director of Public Works/City Engineer is authorized to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation.

Terry O'Connell, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the fifth day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

RESOLUTION NO. 2024-__

California Department of Transportation

DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942873, MS-32 SACRAMENTO, CA 94273-0001
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July 9, 2024

SENT VIA E-MAIL

On behalf of the California Department of Transportation (Caltrans), Division of Transportation Planning, we are pleased to congratulate you on your Sustainable Transportation Planning Grant award.

Sustainable Transportation Planning Grant Program						
Grant Award Fiscal Year	24-25	Grant Category	Climate Adaptation Planning		Grant Fund Source	SHA-CAP
Project Title	Brisbane Lagoon and U.S. Highway 101 Adaptation Planning					
Grantee/Agency	City of Brisbane					
Executive Director	Clay Holstine					
Grantee/Agency Contact	Randy Breault					
Sub-Recipient(s)						
Caltrans District Contact(s)	Becky Frank; Stephen Conteh					
Caltrans District Contact(s) E-mail	becky.frank@dot.ca.gov; stephen.conteh@dot.ca.gov					
Grant Award	Local Match (Cash)	Local Match (In-Kind)	Total Local Match	% Local Match	Total Project Cost	
\$259,920	\$34,000	NA	\$34,000	11.56%	\$293,920	
Conditions of Award Due to Caltrans		Grant Expiration Date		Final Invoice Due		
8/16/24		6/30/27		8/29/27		
* The final contractually agreed upon Local Match and Fund Source are located on the Grant Application Cover Sheet and Project Cost and Schedule. Any change in Local Match that increases/decreases the Total Project Cost must be approved by Caltrans and may require a Formal Amendment. Each invoice must include the contractual/agreed upon local match % - any deviation to this amount requires an approved Tapered Local Match Amendment prior to invoice submittal. Any change to the Local Match Fund Source requires prior Caltrans approval and an Administrative Amendment.						

Next Steps

1. The Caltrans District Grant Manager will schedule a Conditional Award Meeting with your agency soon.
 - The attached specific and general conditions and project revisions necessary to accept grant funding will be discussed at this meeting.
2. The required conditions must be submitted to the Caltrans District Grant Manager no later than the date listed in the table above.
 - Failure to satisfy these conditions will result in the forfeiture of grant funds.
3. The Caltrans District Grant Manager will review and approve all items required to fulfill the attached specific and general conditions.
4. Once the required conditions are met and the agreement is executed, the Caltrans District Grant Manager will:
 - Send a Notice to Proceed letter (for MPO/RTPAs, this will happen after the OWP/OWPA formal amendment is processed). *Grant work cannot begin until the Notice to Proceed letter is received by your agency.*
 - Coordinate and schedule a grant kick-off meeting with your agency.

If you have questions concerning your Conditional Grant Award, please reach out to your Caltrans District contact listed in the table above.

Sincerely,



ERIN THOMPSON
Chief, Office of Regional and Community Planning

Attachments:
Specific and General Conditions

Sustainable Transportation Planning Grant Program

Grant Award Specific and General Conditions

Specific Conditions

If Specific Conditions have been identified for this grant, they will be listed below. Please make all necessary revisions to the Grant Application Cover Sheet, Scope of Work (SOW), and/or the Cost and Schedule, and complete the right column to indicate where the specific conditions were addressed.

Specific Conditions	Conditions Addressed List Document, Section & Page(s)
1. Confirm timeline feasibility.	
2. Include consideration of State sea level rise (SLR) Guidance resources like the Ocean Protection Council's State SLR Guidance, and identification of how San Francisco Bay Conservation and Development Commission's (BCDC) Climate Change Policy Guidance for permit considerations will be evaluated in the SOW and in development adaptation strategies.	
3. Consider of the Adapting to Rising Tides spatial resources into Task 2, and integration of recommendations as appropriate.	
4. Consider the San Francisco Estuary Institute's 2019 San Francisco Bay Shoreline Adaptation Atlas and conformity and refinement of the nature-based adaptation measures should form part of the SOW.	
5. Include BCDC as a project Stakeholder.	
6. Local match needs to be included in Cost & Schedule.	
7. Scope of Work should include descriptions of who the responsible party is for each task deliverable.	
8. Update Tasks 01 and 02 in the Scope of work, they currently have a start date of January 2024.	
9. Remove template language and incorporate the applicant's own narrative from Overall Objectives to Task 02.	

Specific Conditions	Conditions Addressed List Document, Section & Page(s)
10. Remove amendments from Task Deliverables in Task 2 in the Scope of Work.	
11. Instead of "holding public meetings," the deliverable could be the meeting agenda and possible pamphlets in different languages in Task 3 in the Scope of Work.	
12. Applicant needs to determine if the "Collaborative Stakeholder Structure" is the same or different from the "Public Advisory Committee."	

General Conditions

Please review the General Conditions below and complete them, as necessary. Most of these items are outlined in the Grant Application Guide, Ch. 6 and Appendix B.

- **Board Resolution** – A current (less than one year old) Local Board Resolution, signed by the governing board that includes the grant project title and job title of the person authorized to enter into a contract with Caltrans, is required to be submitted to Caltrans by September 13, 2024.
- **Government Entity Taxpayer ID Form** is now required in place of the previously required STD-204. It is required by Caltrans Accounting to ensure payments are sent to the correct recipient and address.
- **Generative Artificial Intelligence (GenAI) Disclosure (STD 1000)** is a new form now required by Caltrans for all contract submittals. The Solicitation Number field can be left blank.
- **Scope of Work (SOW) and Project Cost and Schedule** (Refer to Grant Application Guide, Appendix B Checklists) These are frequently missed requirements:
 - Project Management stand-alone tasks, staff and/or consultant coordination are not allowed. Project Management activities must be charged to the tasks in which they are accrued.
 - Include tasks for a kick-off meeting with Caltrans, invoicing, quarterly reporting, and Board adoption or acceptance.
 - Ensure the deliverable for the consultant procurement task includes: Request for Proposal (RFP), executed consultant contract, and a copy of your agency's procurement procedures.
 - The earliest project start date is November 4, 2024, with an end date of June 30, 2027. The Project Cost and Schedule will need be updated to reflect your proposed start date. At least one task must extend to the grant expiration date on June 30, 2027.
 - Indirect Costs - For Local Government Agencies requesting to bill for indirect costs: Indirect costs must be identified in the SOW and Project Cost and Schedule, and the indirect cost rate included at the bottom of the Project Cost and Schedule.
- **Grant Application Cover Sheet and Project Cost and Schedule**
 - Ensure the grant award, local match, and total project costs are consistent with the award letter amounts.
- **Grant Application Cover Sheet** - Must identify the specific source of cash and in-kind local match funds; and must identify the agency providing the local match.
 - If your agency is using staff time as a cash match, the application cover sheet must identify the source of local match funds for staff time (e.g., General Fund).
 - Direct grantee staff time is not an allowable in-kind match and must be identified as cash match.
- **Third Party In-Kind Valuation Plan, if applicable** - Third-party in-kind contributions consist of goods and services donated from outside the grantee's agency (e.g., printing, facilities, interpreters, equipment, advertising, staff time, and other goods or services). If utilizing third-party in-kind contributions to satisfy the local match requirement:
 - Ensure in-kind contribution information is identified on the Grant Application Cover Sheet and Project Cost and Schedule.
 - To clarify, sub-recipient staff time, if reimbursed, is considered cash match. If donating their time, it is considered in-kind.

- Submit a Third-Party In-kind Valuation Plan. The district can provide a copy of the valuation plan checklist and template.
- **Ensure Consistency** - All changes made to the Grant Application Cover Sheet, SOW, and Project Cost and Schedule are made consistently in all documents.

Grant Administrative Requirements

Refer to the Grant Application Guide, Ch. 6, and the Restricted Grant Agreement boilerplate for a detailed overview of the Grant Administrative Requirements that must be adhered to over the life of the project. In summary:

- **Third Party Contracts** - Competitive consultant procurement, i.e., Request for Proposals (RFP) is required for all grant projects.
 - If there is a consultant on-board, ensure the process to procure the consultant was a competitive process (documentation must be provided to Caltrans); the grant work must have been part of the original RFP.
 - If using an on-call consultant list, the process for establishing the list must be competitive and less than five years old (documentation must be provided to Caltrans)
 - If the consultant helped to prepare the Project Scope of Work or grant application, they shall not be considered in the consultant procurement.
- **Quarterly Reporting** – Quarterly Progress Reports (a narrative of completed project activities) are submitted on a quarterly basis.
- **Invoicing and Financial Requirements** –
 - Maintain a proper accounting system (MS Excel is unacceptable).
 - Request for Reimbursements/invoices (RFRs) at least quarterly, but no more than monthly.
 - One-time, lump sum invoices are not allowed.
 - If requesting reimbursement of indirect costs, a copy of the ICAP/ICRP acceptance letter must be submitted with the first invoice.
 - Local match commitments must be satisfied with every RFR/invoice, including any local match amount above the minimum amount. If you are unable to meet this commitment, coordinate with your district Contract Manager.
 - All work must be completed by June 30, 2027.
 - Final RFR/invoice and the final product are due no later than August 29, 2027.
 - The final RFR/invoice will not be processed without the final product.
 - An Indirect Cost Allocation Plan/Indirect Cost Rate Proposal (ICAP/ICRP) must be submitted each year to the Inspector General Independent Office of Audits and Investigations for approval. Instructions for submitting an ICAP/ICRP are available at the following webpage: <https://ig.dot.ca.gov/resources>
- **Grant Amendments** - Proposed changes to the Grant Application Cover Sheet, SOW, and Project Cost and Schedule (e.g., local match amount, fund source, movement of funds) will require an Amendment and Caltrans approval. Please contact Caltrans for guidance on this process.