

Regional Traffic Mitigation Fee Program (RTMF)
Oversight Committee (OC) Meeting
Summary Minutes
May 3, 2018 – 1:30 p.m.
Amador County Transportation Commission (ACTC) Office
117 Valley View Way, Sutter Creek

Attendance - Voting Members:

Susan Bragstad, Council Member, City of Amador City
Richard Forster, Amador County Supervisor
Brian Oneto, Amador County Supervisor
Dan Epperson, Council Member, City of Ione
Keith Sweet, Council Member, City of Jackson
Tim Murphy, Council Member, City of Sutter Creek

Absent: Sandy Kyles, Council Member, City of Plymouth

Also Present:

John Gedney, Executive Director, ACTC
Nancy Champlin, Administrative Secretary, ACTC

1. **MEETING CHAIR:** It was agreed John Gedney would chair the meeting.

2. **APPROVAL OF THE AGENDA:**

Motion: Moved by Brian Oneto, seconded by Dan Epperson, and carried to approve the agenda as presented.

Ayes: Keith Sweet, Tim Murphy, Susan Bragstad, Dan Epperson, Brian Oneto, Richard Forster
Noes: None
Absent: Sandy Kyles

3. **PUBLIC MATTERS NOT ON THE AGENDA:** None

4. **APPROVE MINUTES FROM NOVEMBER 2, 2017**

Motion: Moved by Richard Forster, seconded by Brian Oneto, and carried to approve the minutes as submitted.

Ayes: Keith Sweet, Tim Murphy, Susan Bragstad, Dan Epperson, Brian Oneto, Richard Forster
Noes: None
Absent: Sandy Kyles

5. **AB 1600 PROJECT ELIGIBILITY:** Mr. Gedney reviewed his staff report and the attachment. He noted that RTMF funds could be used for rehabilitation type projects similar to those receiving State Transportation Improvement Program (STIP) funding, but the RTMF funds are more strictly tied to

specific impacts related to new development. There are currently certain projects in the Tier 1 list such as Michigan Bar Road, New York Ranch Road, and Fiddletown/Shenandoah that have an overlay or rehab component where the RTMF funds could be used. Maintenance projects involve a lump sum vs. rehabilitation projects which are specific projects that go through the project development process. Projects in the RTMF Tier 1 Project List are part of the approved nexus plan eligible for RTMF funds.

Jon Hanken, Lone City Manager, commented that usually, in a nexus study, some projects will be 100% growth driven and some of the rehabilitation projects will have a percent portion related to growth. That is an important component to determine in the nexus study as part of the justification to use the dollars.

6. **FEE DEFERRAL/REIMBURSEMENT POLICY:** Mr. Gedney reviewed his staff report. It was noted that the Memorandum of Understanding (MOU) states that it is not a binding contract. Mr. Murphy asked if the jurisdictions have the right to waive the fees or do anything other than collect the fees. Mr. Gedney replied that the second paragraph of the MOU states the agreement is to collect and expend regional traffic impact fees to fund transportation improvements. Under Policies and Procedures (b) Exemptions and Waivers: “In any such event, City/County staff will consult with ACTC staff”... and (c) Appeals: “In any such event, City/County staff will refer the matter to the OC for a determination before the permit is approved.”

Mr. Gedney added that the cities and County collect the money on behalf of the RTMF Oversight Committee. There was discussion regarding if the MOU should be voluntary or binding. Also under discussion was the \$500,000 fee deferral that the City of Lone previously granted a developer (JTS) and the Gold Rush Ranch development in the City of Sutter Creek that did not proceed with obtaining building permits and has not repaid the RTMF fund for an advance payment to the Prospect Dr. /Bowers Dr. intersection/realignment project. Mr. Gedney noted that the MOU does not have a clause that would enforce consequences if exemptions or waivers are granted by jurisdictions.

Joh Hanken commented that deferring payment for the JTS development in Lone was done in 2005 and doesn't know if the RTMF MOU was subsequently changed due to this deferment. He is in agreement going forward that discussion of potential waivers/deferments should come before the RTMF OC to obtain a letter that would then go back to the jurisdiction.

Supervisor Forster suggested reviewing the history of the RTMF MOU.

Dominic Atlan, Council Member for the City of Lone, thanked Mr. Gedney and the RTMF OC for agendizing this item. He commented that the RTMF MOU as written is weak. He would prefer that the OC approve deferments, waivers, etc. and it not be done at the staff level. The Lone City Manager found a deferment in 2016 of \$500,000 and has tried to collect the funds without success to date. Mr. Atlan would also like to explore making the MOU mandatory instead of it being voluntary. The other issue is when the RTMF advances money prior to a development pulling a building permit to repay the funds. He does not believe that should happen unless some type of security is established.

Mr. Hanken commented that the RTMF deferment from the City of Lone was supposed to be paid when the third Mello Roos bond was to go into effect. 168 homes were deferred for JTS. However, JTS did not go forward with a third Mello Roos bond. The new developer was not going to do Mello Roos bonds when they bought the property. Mr. Hanken also advised against doing any future deferments unless it is tied to a bond or security.

Mr. Murphy commented that the Prospect Dr./Bowers Dr. intersection/realignment project was initiated by a grant and the RTMF OC and not by the City of Sutter Creek. The RTMF OC did not get an agreement in writing for Gold Rush to repay the funds.

Amy Gedney, Sutter Creek City Manager, commented that the City of Sutter Creek has made it clear that they do want to continue to be a RTMF partner and if Gold Rush goes forward they will seek the funds. The RTMF OC should have required that agreement in place from Gold Rush. She also pointed out that the City is continuing to collect and pay their regional fees. It is her understanding that Sutter Creek LLC does still own the Gold Rush property. The City of Sutter Creek has a development agreement with the Gold Rush Ranch partners which includes a specific condition that they would pay a \$1.1M share for the intersection improvement. She added that the City is not in a position to put a lien on a property for development fees.

Mr. Murphy commented that it seemed reasonable to put a condition in the development agreement, but agreed the RTMF OC needs to have a formal agreement that includes some type of financial guarantee for exemptions, deferrals, pre-construction of projects, etc. He also asked if compliance can be legally mandated.

Amy Gedney noted that if the Gold Rush Ranch development agreement were to expire, the City would still require every new permit to pay the regional fee in that development area.

There was discussion regarding the RTMF MOU and if the language should change to make it a binding contract.

Mr. Gedney was directed to contact ACTC legal counsel regarding what could be done to make the MOU binding, how to state that any traffic impact fee exemptions, waivers, agreements, etc. between a jurisdiction and a developer must have approval from the RTMF OC, and outline an enforcement mechanism/repercussions of non-compliance.

7. **IONE WIRIS PROJECT REPORT:** Mr. Gedney reviewed his staff report and noted that the WIRIS Project Report is being prepared, but not yet available. Jon Hanken reported that last month the City of Lone authorized a contract with a grant writing firm, California Consulting, to try to find funds for a number of areas of concern. The top priority is the WIRIS project in terms of finding funding within a reasonable timeframe at an estimated \$17 million.
8. **PROJECT REVENUE, EXPENDITURES & PROJECT PROGRAMMING:** Mr. Gedney reviewed his staff report. Mr. Murphy asked if the \$1M the RTMF OC approved for the Pine Grove was part of a funding package. Mr. Gedney replied that, in addition to the \$1M from the RTMF program, there

was also a verbal commitment for use of SB 1 funds from the County, and we continue working with Caltrans District 10 and the California Transportation Commission (CTC) to try to obtain additional funding for construction in addition to ACTC's current STIP allocation and future accelerated STIP funding that would need to be programmed. The project is currently estimated at \$17M including right of way acquisition. Mr. Gedney added that the County was not successful in obtaining a TIGER grant. Additional revenues to the Amador region are expected since the passage of SB 1. For the current STIP programming for the 2018 cycle, the CTC has allowed the Right of Way phase to be moved up into 2018/19 at a reduced cost from \$3M to \$2.7M. The County is expected to finish PS&E and move into Right of Way next year. That would leave the Amador region with an unprogrammed balance of Regional Improvement Program shares of approximately \$4M. We hope to receive a commitment from Caltrans for \$3M - \$5M by the 2020 STIP. If that happens, ACTC can accelerate future Regional Improvement Program (RIP) shares out to 2024/2025 and fully fund the project.

Ms. Bragstad asked about the Wicklow Way extension project. Mr. Gedney replied there are a number of components to that project that make it beneficial. It would primarily alleviate pressure on the Argonaut Lane intersection. There was discussion at a previous RTMF meeting regarding the timing of this project and the Sutter Street extension project. The County is interested in the Wicklow Way project moving forward with preliminary engineering. Mr. Oneto added that the Wicklow Way extension could take the place of an Argonaut Lane/SR 88 project. Mr. Forster added that the Wicklow Way extension project would be primarily developer driver. He also stated that the lone WIRIS project has been on the list for a long time and needs to proceed at some point especially if they are successful in acquiring grants.

Mr. Gedney noted that no changes to the RTMF project list are being recommended at this meeting.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m.