

**TRPA
GOVERNING BOARD
PACKETS**

**JANUARY
2001**

**TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING ORGANIZATION (TMPO)
AND TRPA COMMITTEE MEETINGS**

NOTICE IS HEREBY GIVEN that on Tuesday, January 23, 2001, commencing at 5:30 p.m., in the conference room of the Tahoe Regional Planning Agency, 308 Doria Court, Zephyr Cove, Nevada, the Environmental Improvement Program Implementation Committee (EIPIC) will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** approval of minutes; **3)** update on Regional Revenue Feasibility Analysis; **4)** review EIP update documents **5)** review of congressional budget requests for fiscal year 2002; **6)** member comments. (Committee: Waldie, Cole, Perock, Miner, DeLanoy)

NOTICE IS HEREBY GIVEN that on Wednesday, January 24, 2001, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 No. Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

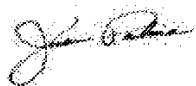
Governing Board Committee items are action items unless otherwise noted

NOTICE IS FURTHER GIVEN THAT ON Wednesday, January 24, 2001, following action by TRPA on the Consent Calendar, the Governing Board of the Tahoe Metropolitan Planning Organization (TMPO) will meet. The agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on Wednesday, January 24, 2001, commencing at 8:30 a.m., at the same location, the TRPA Finance Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** receipt of TRPA FY 99-00 audit; **3)** December expense/revenue summary; **4)** discussion and possible action regarding the RTPA's programming of Federal Transit Administration Section 5311 funds, in the amount of \$288,000, for the purchase of two transit coaches for the South Tahoe Area Ground Express; **5)** report on TRPA local government financial support; **6)** member comments. (Committee: Neft, Heller, Galloway, Solaro)

NOTICE IS FURTHER GIVEN that on Wednesday, January 20, 2001, commencing at 8:30 a.m., at the same location, the TRPA Legal Committee will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** TRPA v. Menasha, consideration of settlement proposal; **3)** Lake Tahoe Presbyterian Conference Commission, Inc., Resolution of Enforcement Action, APN 05-100-01; **4)** William Morris, 1049 Apollo Court, Resolution of Enforcement Action, Washoe County, APN 124-421-06; **5)** Culhane Resolution of Enforcement Action, Waters Edge #11, El Dorado County, APN 15-351-12; **6)** Discussion of Marelich Violation; **7)** Scholz Resolution of Enforcement Action, APN 22-421-71; **8)** member comments. (Committee: DeLanoy, Waldie, Medina, Miner, Sandoval)

January 11, 2001



Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
8318 No. Lake Boulevard
Kings Beach, California

January 24, 2001
9:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear. For agenda management purposes, approximate time limits have been assigned to each agenda item. All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated.

AGENDA

- I. PLEDGE OF ALLEGIANCE (5 minutes)
- II. ROLL CALL AND DETERMINATION OF QUORUM (5 minutes)
- III. PUBLIC INTEREST COMMENTS - All comments are to be limited to no more than five minutes per person.

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, TMPO, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, Appeal, and Planning Matter items will be taken at the time those agenda items are heard. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

- IV. APPROVAL OF AGENDA (5 minutes)
- V. APPROVAL OF MINUTES (5 minutes)
- VI. CONSENT CALENDAR (see agenda pg. 3 for specific items) (5 minutes)
- VII. PROJECT REVIEW
 - A. Sprock-Parker Multiple-Use Pier Recognition and Expansion, Page 47
1006 & 1008 Skyland Drive, APNs 05-051-16, 17, File No. 200034

VIII. PUBLIC HEARINGS

- A. Adoption of Tahoe Coalition of Recreation Providers (TCORP) Signage Guidelines and Amendment of Chapter 26, Signs and the Design Review Guidelines (20 minutes) Page 68
- B. Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees (45 minutes) Page 112
- C. Amend Chapter 14 to Add a Finding Allowing for the Amendment of a Community Plan Boundary When it Pertains to Affordable Housing Only (45 minutes) Page 126

IX. PLANNING MATTERS

- A. Presentation on Tahoe Yellow Cress (45 minutes) Page 138

X. ADMINISTRATIVE MATTERS

- A. Resolution for Outgoing Chair, Larry Sevison (5 minutes) Page 140
B. Resolution for Outgoing Vice-Chair, Dr. Don Miner (5 minutes) Page 141
C. Resolution for Senator Bryan (5 minutes) Page 142
D. Appointment of Governing Board Members to Standing Committees (30 minutes) Page 143

XI. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

- A. Finance Committee (5 minutes)
B. EIPIC (5 minutes)
C. Legal Committee (10 minutes)
 1. TRPA v. Menasha, Consideration of Settlement Proposal Page 147
D. Local Government Committee (5 minutes)

XII. REPORTS

- A. Executive Director Monthly Status Report (10 minutes)
 1. Status Report on Project Applications Page 149
B. Legal Division Monthly Status Report (5 minutes)
C. Governing Board Members (5 minutes)

XIII. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>	
1. Receipt of December Expense/Revenue Summary	Receipt	
2. Receipt of TRPA FY 99-00 Audit	Continued	Page 1
3. Lake Tahoe Presbyterian Conference Commission, Inc. Resolution of Enforcement Action, 660 Highway 50, Douglas County APN 05-100-01	Approval	Page 2
4. William Morris, 1049 Apollo Court, Resolution of Enforcement Action, Washoe County, APN 124-421-06	Approval	Page 5

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| 5. | Approval of RTPA's Programming of Federal Transit Administration Section 5311 Funds, in the amount of \$288,000, for the Purchase of Two Transit Coaches for the South Tahoe Area Ground Express and adoption of supporting Resolution | Approval | Page 9 |
| 6. | Trehwitt, Land Capability Challenge, 371 Kingsbury Grade, Douglas County, APN 07-490-16 | Approval | Page 13 |
| 7. | Culhane Resolution of Enforcement Action, Waters Edge #11, El Dorado County, APN 15-351-12 | Approval | Page 19 |
| 8. | Tahoe Truckee Unified School District, Kings Beach Elementary School Student Activities Building Addition, 8125 Steelhead Avenue, Kings Beach, Placer County, APN 90-052-05, et al., TRPA File Number 2000528 | Approval | Page 23 |
| 9. | Scholz Resolution of Enforcement Action, APN 22-421-71 | Approval | Page 43 |

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

- (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.
- (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.
- (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III(g) Public Law 96-551

Tahoe Regional Planning Agency Governing Board Members:

Chairman Dean Heller, Nevada Secretary of State Wayne Perock, Nev. Dept. of Conservation
Appointee

Vice-Chairman Dave Solaro, El Dorado County Drake DeLanoy, Nevada Gov. Appointee
Jon Plank, Carson City Jerry Waldie, Calif. Senate Rules Com.
Appointee

Jim Galloway, Washoe County Leslie Medina, Calif. Assembly Spkr. Appointee
Hal Cole, South Lake Tahoe Joanne Neft, Calif. Gov. Appointee
Larry Sevison, Placer County (Position Vacant), Calif. Gov. Appointee
Brian Sandoval, Nevada At-Large Member Peter Chase Neumann, Presidential Appointee
Don Miner, Douglas County

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MEMORANDUM

January 16, 2001

To: TRPA Governing Board
From: Staff
Subject: Receipt of TRPA FY 99-00 Audit

This agenda item has been continued until the February Governing Board meeting.

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MEMORANDUM

January 16, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution of Enforcement Action, Lake Tahoe Presbyterian Conference Commission, Inc. (LTPCC), 660 Highway 50, Douglas County, APN 05-100-01, TRPA Project # 990642

Alleged Violation Type: In conjunction with a TRPA permit, the LTPCC placed fill material (approximately 450 cubic yards) in a parking area within approximately 25 feet of Lake Tahoe. This is a violation of the Standard Conditions of Approval (Attachment R, B.2), and the TRPA Code of Ordinances, Section 64.5, Disposal of Materials.

Responsible Party: Lake Tahoe Presbyterian Conference Commission, Inc.

Location: 660 Highway 50, Douglas County, APN 05-100-01

Agency Staff: Katie M. Guthrie, Associate Environmental Specialist

Staff Recommendation: TRPA staff recommends that the Governing Board approve the proposed Settlement Agreement in which the parties agreed to the following:

1. Lake Tahoe Presbyterian Conference Commission, Inc., agrees to pay TRPA a settlement of \$10,000 within 30 days of Governing Board approval.
2. TRPA agrees to release Lake Tahoe Presbyterian Conference Commission, Inc., of any claims of TRPA arising out of any and all alleged violations resulting from the above activities.

Following is a statement of the facts supporting the determination of a violation:

On September 29, 2000, the Tahoe Regional Planning Agency was anonymously informed that excavated material was being placed and compacted in the existing Linn Lane parking area at the Presbyterian Conference Center. This activity was in direct violation of the TRPA Code of Ordinances and TRPA permit Standard Conditions of Approval - Attachment R. While the Linn Lane parking area, adjacent to Lake Tahoe, was approved for restoration in conjunction with the parking structure permit (#990642), disposal of fill material was not approved with the restoration plan. On October 3, 2000, TRPA staff posted a Cease and Desist Order in response to the unauthorized fill, and required that approximately 450 cubic yards of fill material be removed and that the site be fully winterized by October 6, 2000. These requirements were fulfilled by October 6, 2000. Prior to commencing the parking structure project, however, the responsible party asked staff if some excavated material could be temporarily stored on-site. While the request was being considered by staff, the responsible party cancelled his request and stated that all excavated material would be removed by staff. It was determined that

Staff believes that the responsible party acted willfully when placing the unauthorized fill within approximately 25 feet of Lake Tahoe.

The following provisions of the Regional Plan were allegedly violated by Lake Tahoe Presbyterian Conference Commissions' actions:

TRPA Regional Plan Package:

Code of Ordinances, Chapter 64, Sections 64.5, and Standards Conditions of approval, Attachment R, B.2.

Documentary Evidence supporting the determination of a violation includes photographs.

The Tahoe Regional Planning Compact Article VI (k) Compliance provides for enforcement and substantial penalties for violations of TRPA ordinances or regulations.

Article VI of the Compact States:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

Violation Resolution: TRPA staff believes that the proposed settlement is consistent with past settlements and the Lake Tahoe Presbyterian Conference Commission, Inc. has agreed in writing to the proposed settlement terms to resolve the alleged violation. The agreement is not binding upon the TRPA Governing Board.

Required Actions: Agency staff recommends that the Governing Board resolve the alleged violations by making a motion to ratify the proposed SETTLEMENT AGREEMENT, based on this staff summary and the evidence contained in the record.

If there are any questions regarding this agenda item, please contact Katie M. Guthrie at (775) 588-4547, extension 274.

Attachment: Lake Tahoe Presbyterian Conference Commission Settlement Agreement

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SETTLEMENT AGREEMENT

This agreement is made by and between Lake Tahoe Presbyterian Conference Commission, Inc., (hereinafter "Presbyterian Conference Commission"), and the Tahoe Regional Planning Agency (hereinafter "TRPA").

This settlement represents full and complete compromise and settlement of the certain violations alleged by TRPA, as described below:

On September 29, 2000, the Tahoe Regional Planning Agency was informed that excavated material was being placed and compacted in the existing Linn Lane parking area. This activity was in direct violation of the TRPA permit, Attachment R, and the Code of Ordinances. The Linn Lane parking area, adjacent to Lake Tahoe, was approved for restoration in conjunction with the parking structure permit – fill was not part of the approved restoration plan. On October 3, 2000, TRPA staff posted a Cease and Desist Order in response to the unauthorized fill, and required that approximately 450 cubic yards of fill material be removed and that the site be fully winterized by October 6, 2000. These requirements were fulfilled by October 6, 2000.W

This settlement is conditioned upon approval of this agreement by the TRPA Governing Board. Execution of the agreement prior to Board action shall not be binding on either party in the event that the Board does not authorize settlement on the terms set forth below.

In order to fully resolve the matter, the parties hereby agree as follows:

1. Presbyterian Conference Commission agrees to pay TRPA a settlement of \$10,000 within 30 days of Governing Board approval.
2. TRPA agrees to release Presbyterian Conference Commission of any claims of TRPA arising out of any and all alleged violations resulting from the above activities.

Presbyterian Conference Commission shall read this Settlement Agreement and understand all of its terms. Presbyterian Conference Commission has executed this Settlement Agreement voluntarily and with full knowledge of its significance. Presbyterian Conference Commission has been offered the opportunity to review the terms of this Settlement Agreement with an attorney prior to executing the same.

Signed:

Lake Tahoe Presbyterian
Conference Commission, Inc

Date

Juan Palma, Executive Director
Tahoe Regional Planning Agency

Date

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MEMORANDUM

January 16, 2001

To: TRPA Governing Board
From: TRPA Staff
Subject: Resolution of Enforcement Action, 1049 Apollo Court, APN 125-421-06,
TRPA File # 200210

Alleged Violation Type: In conjunction with a TRPA permit, Cooper Brown (contractor for William Morris) graded approximately 18 cubic yards of soil material after the October 15th grading deadline. This is a violation of TRPA seasonal grading limitations (Section 64.2, TRPA Code of Ordinances and Attachment R, Standard Conditions of Approval) and failure to meet winterization requirements. The Code sections state that excavation shall not occur between October 15 and May 1 of each year, unless an exception has been granted by TRPA.

Responsible Party: William and Josephine Morris

Location: 1049 Apollo Court, Washoe County, APN 125-421-06

Agency Staff: Kim Johnson, Associate Environmental Specialist

Staff Recommendation: Staff recommends that the TRPA Governing Board approve the proposed Settlement Agreement.

1. William and Josephine Morris shall pay \$2000 to TRPA within thirty days of Governing Board approval.
2. TRPA agrees to release William and Josephine Morris of any claims by TRPA arising out of any and all alleged violations resulting from the above activities.

Following is a statement of the facts supporting the determination of a violation:

On October 18, 2000, TRPA Associate Environmental Specialist Kim Johnson posted a Cease and Desist Order at 1049 Apollo Court for grading approximately 18 cubic yards of soil material after the October 15th grading deadline. Subsequent investigation indicated that the unauthorized grading could not be approved in conjunction with Section 64.2.B, (grading season exceptions).

The unauthorized grading at 1049 Apollo Court occurred when the general contractor, Cooper Brown with Brown Rice Development, poured sections of a footing without proper inspections. Washoe County Building Department subsequently posted a Stop Work Order and required an x-ray for steel inspection.

Pouring of the unauthorized footing prior to building department inspection set the project back several days thus requiring that the project to be backfilled after the October 15th grading deadline.

The following provisions of the Regional Plan were allegedly violated by William Morris (owner) and Brown Rice Development's actions:

Code of Ordinances, Chapter 64.2.A and 64.2.D and conditions of project approval.

Documentary evidence supporting the determination of a violation includes photographs.

Violation Resolution: TRPA staff believes that the proposed settlement is consistent with past settlements and William Morris has agreed to the proposed settlement terms to resolve the alleged violation. The agreement is not binding until acted upon by the TRPA Governing Board.

Required actions: Agency staff recommends that the Governing Board resolve the alleged violation by making a motion to ratify the proposed SETTLEMENT AGREEMENT (see attachment A), based upon this staff summary and the evidence contained in the record.

If there are any questions regarding this agenda item, please contact Kim Johnson at (775) 588-4547, extension 263.

Attachment: William Morris Settlement Agreement

TAHOE REGIONAL PLANNING AGENCY

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SETTLEMENT AGREEMENT

This agreement is made by and between William and Josephine Morris and the Tahoe Regional Planning Agency (hereinafter TRPA).

This agreement represents full and complete settlement of the certain violations alleged by TRPA and as described below.

On October 18, 2000, Associate Environmental Specialist Kim Johnson posted a Cease and Desist Order at 1049 Apollo Way, Assessor's Parcel Number 125-421-06 for grading in excess of three cubic yards of soil material after the October 15th grading deadline.

Excavation, filling and clearing of vegetation or other disturbance of the soil shall not occur between October 15 and May 1 of each year, unless approval has been granted by TRPA pursuant to Subsection 64.2.B of the TRPA Code of Ordinances.

This settlement is conditioned upon approval of this agreement by the TRPA Governing Board. Execution of this agreement prior to Board action shall not be binding on either party in the event the TRPA Board does not authorize settlement on the terms set forth below.

1. William and Josephine Morris agree to pay a sum of \$2000 to TRPA within thirty days of Governing Board approval of this settlement.
2. TRPA agrees to release William and Josephine Morris of any and all claims which it may have as a result of this violation.

William and Josephine Morris Date

Juan Palma Date
Executive Director
Tahoe Regional Planning Agency

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MEMORANDUM

January 4, 2001

To: TRPA Governing Board

From: TRPA Staff

Subject: Approval of RTPA's Programming of Federal Transit Administration Section 5311 Funds, in the Amount of \$288,000 for the Purchase of Two Transit Coaches for the South Tahoe Area Ground Express; and Adoption of Supporting Resolution

Proposed Actions: For the Governing Board to approve the programming of Federal Transit Administration (FTA) Section 5311 Funds for the purchase of two (2), thirty-six (36) passenger, compressed natural gas (CNG) fueled transit coaches for the South Tahoe Area Ground Express (STAGE) transit system, and to adopt a resolution (Attachment A) supporting the programming of the funds for the proposed use.

Staff Recommendation: Staff recommends the TRPA Governing Board approve the programming of Section 5311 funds for the purchase two, thirty-six passenger, CNG fueled, transit coaches for the South Tahoe Area Ground Express, as the proposed funds and project are consistent with the TRPA Regional Transportation—Air Quality Plan for the Lake Tahoe Region. Staff further recommends that the Governing Board approve the attached resolution approving the programming of the FTA funds for the proposed use.

Discussion: The State of California has FTA Section 5311 funds available for transit assistance in non-urbanized areas for use to support transit services, be programmed by the City of South Lake Tahoe, to purchase two (2), thirty-six (36) passenger, CNG fueled transit coaches. These funds have been approved for allocation by the California Transportation Commission (CTC) and will be transferred from the State Transportation Improvement Program (STIP) to the FTA Section 5311 program.

As the Regional Transportation Planning Agency (RTPA) for the Tahoe Region, the TRPA authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed for use within the Tahoe Region. The City of South Lake Tahoe has prepared an application for FTA Section 5311 Funds. In order to complete the application, the designated Regional Transportation Planning Agency, with jurisdiction in the area where the funds are to be used, must by approve by resolution or minute order the programming of Section 5311 funding. In addition, because the proposed use of the funds is for capital acquisition, there must also be an opportunity for public comment. This was provide through the City of South Lake Tahoe at their January 16, 2001 City Council meeting.

RTPA Programming of FTA Funds

Page 2

The application prepared by the City of South Lake Tahoe is for the purchase of two, 36 passengers, CNG fueled, transit coaches for the STAGE transit system that operates in the South Shore area. The total project cost is \$400,000, and the application is for \$288,000 in federal funds.

If you have any questions or comments regarding this matter, please feel free to contact Alfred Knotts at 775-588-4547. Thank you.

Attachment

REGIONAL TRANSPORTATION PLANNING AGENCY
RESOLUTION NO. 2001-

A RESOLUTION APPROVING THE PROGRAMMING OF FEDERAL TRANSIT ADMINISTRATION SECTION 5311 FUNDS (\$288,000) FOR THE PURCHASE OF TWO 36 PASSENGER, COMPRESSED NATURAL GAS (CNG) TRANSIT COACHES FOR THE SOUTH TAHOE AREA GROUND EXPRESS (STAGE)

WHEREAS, the Tahoe Regional Planning Agency is designated by the State of California as the Regional Transportation Planning Agency for the Tahoe Region; and

WHEREAS, there are Federal Transit Administration (FTA) Section 5311 grant funds available for transit assistance for non-urbanized areas for use to support public transit services; and

WHEREAS, TRPA, as the RTPA, authorizes the City of South Lake Tahoe to apply for FTA funds that will be programmed in the Tahoe Region; and

WHEREAS, the City of South Lake Tahoe has submitted an application for FTA Section 5311 grant funds to purchase two (2) 36 passenger, CNG fueled transit coaches to be used as part of South Tahoe Area Ground Express (STAGE) transit system; and

WHEREAS, the proposed funds are consistent with the TRPA Regional Transportation Plan – Air Quality Plan for the Lake Tahoe Region.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Tahoe Regional Planning Agency that FTA Section 5311 Grant Funds (\$288,000), available to non-urbanized areas for use to support transit services, be programmed for use by the City of South Lake Tahoe, to purchase two (2) 36 passenger, CNG fueled transit coaches to be used as part of the South Tahoe Area Ground Express (STAGE) transit system.

PASSED AND ADOPTED this 24th day of January 2001, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Dean Heller, Chairman
Tahoe Regional Planning Agency