

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM REGARDING INSTALLATION AND MAINTENANCE OF TRANSIT SHELTERS AND BENCHES THROUGHOUT THE CITY, AND ALLOWING ADVERTISING ON SHELTERS AND BENCHES INSTALLED IN ACCORDANCE WITH THE MOU

WHEREAS, per Resolution 2015-009, Chula Vista and MTS entered into a “Divestment MOU” which divested transit services provided by Chula Vista Transit and incorporated said services into the San Diego Metropolitan Transit System (MTS) network

WHEREAS, the Divestment MOU contemplated the City and MTS entering into a bench and shelter contract via separate agreement; and

WHEREAS, MTS recently purchased new transit shelters with solar lighting and receptacles for trash and recycling, and both agencies desire to install such transit shelters, amenities and appurtenances at various locations throughout the City; and

WHEREAS, the new transit shelters and benches would improve the streetscape along the various major City corridors where they are installed; and

WHEREAS, in order to provide for the installation of the new transit shelters and benches it is necessary for the City and MTS to enter into an MOU to provide the parameters and obligations of the parties with respect to such installations; and

WHEREAS, the parties have negotiated and, subject to City Council approval, agreed to such an MOU. The MOU term is for a period of up to ten (10) years consisting of an initial five (5) base years and five (5) one-year options; and

WHEREAS, Chula Vista Municipal Code (“CVMC”) section 12.36.060 generally prohibits the installation or maintenance of transit shelters, benches, and related appurtenances within the City’s public right-of-way without first obtaining permission from the City’s Director of Public Works; and

WHEREAS, the City’s Director of Public Works has authorized MTS and its contractors to install and maintain transit shelters, benches, and related appurtenances within the City’s Public Rights-of-Way in accordance with the terms and conditions of the MOU; and

WHEREAS, CVMC 12.36.070 generally prohibits advertising on any transit benches installed in the public right-of-way; and

WHEREAS, CVMC 12.36.070 provides that the City is exempt from the advertising prohibition and further that the City Council, in its discretion, may permit the City to place advertising on transit benches installed within the public right-of-way; and

WHEREAS, the MOU incorporates MTS Policy 21 into the agreement to serve as the guidelines and regulations for advertising under the MOU, and authorizes the placement of advertising on transit benches within the public right-of-way in accordance with the MOU and MTS policy; and

WHEREAS, revenue generated from such advertising is intended to fund the purchase of new transit shelters and benches, and the City and MTS have agreed to work cooperatively to identify additional bench and shelter locations to be installed under the MOU; and

WHEREAS, City staff recommends that the City Council exercise its discretion pursuant to CVMC 12.36.070 to authorize advertising on transit benches installed in accordance with the terms and conditions of the MOU.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the Memorandum of Understanding Between the City of Chula Vista and The San Diego Metropolitan Transit System Regarding Installation and Maintenance Transit Shelters & Benches, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the Mayor, or the City Manager or designee, to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it exercises its discretion pursuant to CVMC 12.36.070 to authorize advertising on transit benches installed in the public right-of-way in accordance with the terms and conditions of the MOU.

Presented by

Approved as to form by

WILLIAM S. VALLE
Director of Engineering & Capital Projects

GLEN R. GOOGINS
City Attorney