

RESOLUTION NO. 2015\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE AMENDMENT OF THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014/2015 THROUGH 2018/2019 FOR INCLUSION IN THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM, REDUCING THE STM383 CIP BUDGET BY \$200,000 IN TRANSNET FUNDS AND APPROPRIATING THE EQUIVALENT AMOUNT TO STM361 (\$125,000) AND STL394 (\$75,000), AND PROVIDING THE CERTIFICATION AND INDEMNITY STATEMENTS NECESSARY TO OBTAIN TRANSNET FUNDS (4/5ths vote required)

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, in February 2015, the City Of Chula Vista was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2016 through 2020; and

WHEREAS, Council adopted the TransNet Local Street Improvement Program of Projects for Fiscal Years 2014/2015 through 2018/2019 for inclusion in the Regional Transportation Improvement Program (RTIP) on May 6, 2014, through passage of Resolution 2014-066; and

WHEREAS, Council subsequently adopted the modification of the Chula Vista portion of the 2014 RTIP as part of Amendment 3 on March 3, 2015, through passage of Resolutions 2015-058 and 2015-059; and

WHEREAS, a 4/5ths vote was required for Resolution 2015-068, which provided additional funding of \$150,000 for Third Avenue Improvements Phase III in Fiscal Year 2014-15, due to the need to appropriate funds. This was adopted too late to be included in Amendment 3; and

WHEREAS, SANDAG sent a letter dated March 5, 2015 to all member agencies with unspent TransNet Local Streets and Roads funds. The letter indicated that the unspent funds must be reallocated to active projects by June 30, 2015; and

WHEREAS, in the March 3, 2015 RTIP Amendment, \$18,295 from closed projects were returned to unallocated carryover. In accordance with SANDAG's March

5<sup>th</sup> letter, these funds, as well as those in closed projects, must be reallocated to a specific project before June 30, 2015; and

WHEREAS, additional funding is required for several projects. TransNet funding is available for these projects, as shown on Exhibit A; and

WHEREAS, staff recommends amending the revised TransNet Local Street Improvement Program of Projects for Fiscal Years 2014/15 through 2018/19 for inclusion in the Regional Transportation Improvement Program (RTIP) as shown on Exhibit A; and

WHEREAS, the City Of Chula Vista has held a noticed public meeting on May 12, 2015, with an agenda item that clearly identified the proposed list of projects prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it certifies that, in accordance with Section 2(C)(1) of the *TransNet* Extension Ordinance, no more than 30 percent of its annual revenues shall be spent on maintenance-related projects.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it certifies, in accordance with Section 4(E)(3) of the *TransNet* Extension Ordinance, that all new projects, or major reconstruction projects, funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed shall be clearly noticed as part of the City of Chula Vista's public hearing process.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it certifies, in accordance with Section 8 of the *TransNet* Extension Ordinance, that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the 5-year period consistent with the most recent Maintenance of Effort Requirements adopted by SANDAG.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it certifies, in accordance with Section 9A of the *TransNet* Extension Ordinance, that it will collect \$2,209, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction to comply with the provisions of the Regional Transportation Congestion Improvement Program (RTCIP).

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it certifies, in accordance with Section 13 of the *TransNet* Extension Ordinance, that it has established a separate Transportation Improvement Account for *TransNet* revenues with interest earned expended only for those purposes for which the funds were allocated.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it certifies, in accordance with Section 18 of the *TransNet* Extension Ordinance, that each project of \$250,000 or more will be clearly designated during construction with *TransNet* project funding identification signs.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy No. 31 have been met.

BE IT FURTHER RESOLVED by the City of Chula Vista, that it agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of Chula Vista's *TransNet* funded projects.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it adopts the amendment to the *TransNet* Local Street Improvement Program of Projects for Fiscal Years 2014/2015 through 2018/2019 for inclusion in the RTIP, reduces the STM383 CIP budget by \$200,000 in *TransNet* funds and appropriates the equivalent amount to STM361 (\$125,000) and STL394 (\$75,000).

Presented by

Approved as to form by

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Richard A. Hopkins  
Director of Public Works

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Glen R. Googins  
City Attorney

Exhibit A