

RESOLUTION NO. 2014\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014/2015 CIP BUDGET BY ESTABLISHING A NEW CIP PROJECT "THIRD AVENUE STREETScape IMPROVEMENT PROJECT PHASE 3 (STL406)", APPROPRIATING \$150,000 FROM THE AVAILABLE BALANCE OF THE TRANSNET FUND TO STL406, APPROVING THE AMENDMENT OF THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014/2015 THROUGH 2018/2019 TO ADD FUNDING FOR CHV73 FOR INCLUSION IN THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM, AND PROVIDING THE CERTIFICATION AND INDEMNITY STATEMENTS NECESSARY TO OBTAIN TRANSNET FUNDS

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 on November 18, 2014 through passage of Resolution 2014-222; and

WHEREAS, in order to initiate design for Phase 3 of the Third Avenue Streetscape Project, the FY 2014/15 CIP must be amended to include a new CIP project STL406 and appropriate \$150,000 from the available balance of *TransNet* FUND to STL406; and amendment must occur. . Additional funding of \$150,000 will also be requested in Fiscal Year 2015-16; and

WHEREAS, the City Of Chula Vista has held a noticed public meeting on March 3, 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 that pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City Of Chula Vista certifies that no more than 30 percent of its annual revenues shall be spent on maintenance-related projects.

BE IT FURTHER RESOLVED that pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of Chula Vista certifies 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 that pursuant to Section 8 of the *TransNet* Extension Ordinance, the City of Chula Vista certifies 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 that pursuant to Section 9A of the *TransNet* Extension Ordinance, the City of Chula Vista certifies 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 that pursuant to Section 13 of the *TransNet* Extension Ordinance, the City of Chula Vista certifies 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 that pursuant to Section 18 of the *TransNet* Extension Ordinance, the City of Chula Vista certifies that each project of \$250,000 or more will be clearly designated during construction with *TransNet* project funding identification signs.

BE IT FURTHER RESOLVED that the City of Chula Vista 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 that the City of Chula Vista 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 that the City Council of the City of Chula Vista amends the Fiscal Year 2014/2015 CIP budget by establishing a new CIP project, "Third Avenue Improvement Project Phase 3 (STL406)", approves a revenue offset appropriation of \$150,000 to the CIP Project expense category of the Transportation Sales Tax Fund (TransNet) for CIP STL406, and allocating this amount to CHV73 in the amendment to the TransNet Local Street Improvement Program of Projects for Fiscal Years 2014/2015 through 2018/2019 for inclusion in the RTIP.

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