

ATTACHMENT B
Resolution No. 2024-86

RESOLUTION NO. 2024- 86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING AND APPROVING THE SUBMITTAL OF AN APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, FOR THE WEST COAST HIGHWAY WIDENING AT OLD NEWPORT BOULEVARD PROJECT

WHEREAS, pursuant to the Renewed Measure M Transportation Ordinance and Investment Plan (“Measure M2”), approved by the voters on November 7, 2006, the Orange County Transportation Authority (“OCTA”) administers several competitive grant programs, as outlined in OCTA Ordinance No. 3, dated July 24, 2006, as amended (“Measure M2 Ordinance”), which are offered to local agencies to assist in funding transportation projects such as street improvements, transit expansion, and environmental mitigation;

WHEREAS, to administer the distribution of Measure M2 funds, OCTA adopted the Comprehensive Transportation Funding Program Guidelines (“Guidelines”) setting forth the procedures and requirements for selecting projects for Measure M2 funding;

WHEREAS, OCTA intends to allocate Measure M2 funds for transportation improvement projects, if approved, within the County of Orange and the incorporated cities therein;

WHEREAS, the City of Newport Beach (“City”) desires to implement transportation improvements consisting of an arterial capacity enhancement called the West Coast Highway Widening at Old Newport Boulevard project (“Project”);

WHEREAS, arterial capacity enhancement projects are eligible for Measure M2 funding under Project “O,” the Regional Capacity Program (“Program”), which provides a funding source to complete the Orange County Master Plan of Arterial Highways, provide for intersection improvements, and other projects to help improve street operations and reduce congestion;

WHEREAS, the City desires to support the Project with Program funding;

WHEREAS, as required by the Guidelines, the City has been declared by OCTA to meet the eligibility requirements to receive Measure M2 and Local Fair Share funds;

WHEREAS, as required by the Guidelines, the City's Circulation Element is consistent with the Orange County Master Plan of Arterial Highways;

WHEREAS, the City will not use Measure M2 funds to supplant developer fees or other commitments;

WHEREAS, by this resolution, the City intends to authorize a formal amendment to its seven-year Capital Improvement Program to add the Project for funding upon approval from OCTA's Board of Directors to fund the Project as part of the Program;

WHEREAS, the City must include all projects funded by Measure M2 net revenues in the City's seven-year Capital Improvement Program as part of Measure M2 Ordinance eligibility requirements; and

WHEREAS, by this resolution, the City intends to provide twenty five (25%) in matching funds for the Project, as required by the Guidelines.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby approve the submission of the Project for Program funding, and hereby requests OCTA allocate Program funds to support the Project, in the amounts specified in the City's application.

Section 2: The City Council does hereby agree that Program funding shall not be used to supplant developer fees or other commitments.

Section 3: The City Council does hereby agree to provide twenty five percent (25%) matching funds for the Project, and does hereby authorize a formal amendment to the City's seven-year Capital Improvement Program to add the Project for funding, upon OCTA's Board of Directors approval of the Project for Program funding.

Section 4: The City Council does hereby authorize the City Manager, or the City Manager's designee, to act in connection with Program requirements, execute documents, and to provide such additional information as may be required.

Section 5: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 6: If any section, subsection, sentence, clause, or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060 (c) (2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060 (c) (3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change of the environment, directly or indirectly.

Section 8: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

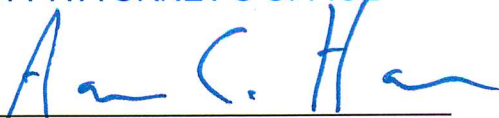
ADOPTED this 19th day of November, 2024.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp
City Attorney