

ATTACHMENT B

RESOLUTION NO. 2019- 49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CONCERNING THE STATUS AND UPDATE OF THE CIRCULATION ELEMENT, MITIGATION FEE PROGRAM, AND PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 PROGRAM

WHEREAS, the City of Newport Beach ("City") desires to maintain and improve the streets within its jurisdiction, including those arterials contained in the Master Plan of Arterial Highways ("MPAH") administered by the Orange County Transportation Authority ("OCTA");

WHEREAS, the City has endorsed a definition of and process for, determining consistency of the City's Traffic Circulation Element ("Circulation Element") with the MPAH;

WHEREAS, the City's Circulation Element, which is incorporated into the City's General Plan, does not preclude implementation of the MPAH within its jurisdiction;

WHEREAS, the City is required to adopt a resolution biennially informing OCTA that the City's Circulation Element is in conformance with the MPAH and whether any changes to any arterial highways of said Circulation Element have been adopted by the City during Fiscal Year (FY) 2017-18 and FY 2018-19;

WHEREAS, the City is required to send biennially to OCTA all recommended changes to the City's Circulation Element and the MPAH for the purposes of re-qualifying for participation in the Comprehensive Transportation Funding Programs, which are a collection of competitive grant programs comprised primarily of Measure M2 funds (an Orange County transportation sales tax) offered to local agencies to assist in funding street improvements, transit expansion, and even environmental mitigation projects;

WHEREAS, the City is required to adopt a resolution biennially certifying that the City has an existing Mitigation Fee Program that assesses traffic impacts of new development and requires new development to pay a fair share of necessary transportation improvements attributable to the new development;

WHEREAS, the City is required to meet eligibility requirements and submit eligibility verification packages to OCTA in order to remain eligible to receive M2 funds;

WHEREAS, the City is required to adopt and update a Pavement Management Plan ("PMP"), using the required format, regarding the status of road pavement conditions and implementation of the PMP on a biennial basis; and

WHEREAS, the City is required to provide a plan that manages the preservation, rehabilitation, and maintenance of paved roads by analyzing pavement life cycles, assessing overall system performance costs, and determining alternative strategies and costs necessary to improve paved roads.

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

Section 1: The City Council does hereby inform OCTA that:

- a) The arterial highway portion of the City's Circulation Element is in conformance with the MPAH;
- b) The City attests that no unilateral reduction in through lanes has been made on any MPAH arterials during FY 2017-18 and FY 2018-19;
- c) The City reaffirms that City Council concurs with the existing Mitigation Fee Program;
- d) The PMP is in conformance with the PMP Submittal Template provided in the Countywide Pavement Management Plan Guidelines;
- e) The City hereby adopts a PMP and has provided an updated PMP report, using the required format, to OCTA; and
- f) The City's Public Works Director, City Engineer or designee, is authorized to sign the PMP certification form.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: 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 4: 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 reasonably 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 to the environment, directly or indirectly.

Section 5: 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 11th day of June, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney