

ATTACHMENT A

RESOLUTION NO. 2020- 5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING AND APPROVING SUBMITTAL OF A FUNDING APPLICATION FOR THE BALBOA ISLAND/CORONA DEL MAR MICROTRANSIT FEASIBILITY STUDY PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM

WHEREAS, the City of Newport Beach ("City") desires to implement a Balboa/Corona del Mar Microtransit Feasibility Study Project ("Project");

WHEREAS, the Orange County Transportation Authority's ("OCTA") Community-Based Transit/Circulators Program ("Project V Program") establishes a competitive process to enable local jurisdictions to develop community-based local transit services that complement regional transit services and meet needs in areas not adequately serviced by regional transit;

WHEREAS, the OCTA intends to allocate Project V funds within the incorporated cities and the County of Orange;

WHEREAS, the OCTA has established the procedures and criteria for reviewing applications as identified in the Project V Guidelines;

WHEREAS, the City has been declared by OCTA to meet the eligibility requirements to receive revenues as part of OCTA's Measure M2 ("Measure M2");

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

WHEREAS, by this resolution, the City Council of the City of Newport Beach authorizes the nomination of the Balboa Island/Corona del Mar Microtransit Feasibility Study Project;

WHEREAS, the City must include all projects funded by Net Revenues in the seven-year Capital Improvement Program as part of Measure M2 eligibility requirement;

WHEREAS, should OCTA's Board of Directors approve funding for the Project as part of the Project V Program, OCTA shall provide ninety percent (90%) of the funding for the Project, not to exceed Fifty Eight Thousand Five Hundred Dollars and 00/100 (\$58,500.00);

WHEREAS, by this resolution, the City Council of the City of Newport Beach intends to agree to provide ten percent (10%) in matching funds for the Project, as required by the Project V Program's Guidelines;

WHEREAS, if the Project's total costs exceed Sixty-Five Thousand Dollars and 00/100 (\$65,000.00), the City shall be responsible for any additional costs of the Project;

WHEREAS, should OCTA's Board of Directors approve the funding of the Project, by this resolution, the City authorizes a formal amendment to the seven-year Capital Improvement Program to add projects approved for funding upon approval from the OCTA Board of Directors;

WHEREAS, the City will comply with any applicable provisions of the Americans with Disabilities Act, and any other federal, state, and/or local laws, rules and/or regulations;

WHEREAS, the City will consult with OCTA regarding the need for a paratransit plan prior to starting any future operations;

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

WHEREAS, in accordance with applicable law, the City will provide OCTA's representatives access to and the right to examine all records, books, papers or documents related to the Project.

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

Section 1: The City Council does hereby approve submission of the funding application for the Balboa/Corona del Mar Microtransit Feasibility Study Project.

Section 2: The City Council does hereby authorize a formal amendment to its seven-year Capital Improvement Program to add the Balboa/Corona del Mar Microtransit Feasibility Study Project for funding upon approval from OCTA's Board of Directors to fund the Project.

Section 3: The City Council does hereby agree to provide matching funds for the Project in the amount of ten percent (10%) of Sixty-Five Thousand Dollars and 00/100 (\$65,000.00), as required by the OCTA Community-Based Transit/Circulators Program Guidelines, and the funds shall be used as supplemental funding to aid the City in the administering of the Balboa/Corona del Mar Microtransit Feasibility Study Project.

Section 4: The City Council does hereby agree that City shall be responsible for any additional costs of the Project, if the total cost of the Project exceeds Sixty-Five Thousand Dollars and 00/100 (\$65,000.00).

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 exempt from the requirements of 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 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 14th day of January, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney