

ATTACHMENT B

RESOLUTION NO. 2020-4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING AND APPROVING THE SUBMITTAL OF A FUNDING APPLICATION FOR AN INTERSECTION CAPACITY ENHANCEMENT PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM

WHEREAS, the City of Newport Beach ("City") desires to implement the Intersection Capacity Enhancement Project at West Coast Highway and Superior Avenue/Balboa Boulevard ("Project");

WHEREAS, the City has been declared by the Orange County Transportation Authority ("OCTA") to meet the eligibility requirements to receive revenues as part of the M2 "Fair Share" under the Comprehensive Transportation Funding Program ("Program");

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

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

WHEREAS, the City desires to support the funding application for the Project under the Program;

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

WHEREAS, the OCTA intends to allocate funds for transportation improvement projects within the incorporated cities and the County;

WHEREAS, by this resolution, the City Council of the City of Newport Beach 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, should OCTA's Board of Directors approve funding the Project as part of the Program, OCTA shall provide sixty-five percent (65%) of the funding for the Project, not to exceed \$780,000;

WHEREAS, by this resolution, the City Council of the City of Newport Beach intends to agree to provide thirty-five percent (35%) in matching funds for the planning phase of the Project, as required by the Program's Guidelines; and

WHEREAS, if the Project's total costs exceed One Million Two Hundred Thousand Dollars and 00/100 (\$1,200,000.00), the City shall be responsible for any additional costs of 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 Project under the Program.

Section 2: The City Council does hereby 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.

Section 3: The City Council does hereby agree to provide thirty-five percent (35%) in matching funds for the planning phase for the Project, as required by the Program, should the OCTA's Board of Directors approve funding the Project as part of the Program.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: 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 6: 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 7: 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