Attachment 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL/BOARD OF DIRECTORS OF THE CITY OF COSTA MESA AUTHORIZING APPLICATION FOR FUNDS FOR THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM FUNDED WITH REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY FEDERAL TRANSPORTATION ACT FOR THE BEAR STREET FROM WAKEHAM PLACE TO THE 405 FREEWAY PROJECT

WHEREAS, the United State Congress enacted the Moving Ahead for Progress in the 21st Century (MAP-21) Federal Transportation Act on July 6, 2012, which makes Regional Surface Transportation Program funds available to the Orange County Transportation Authority (OCTA); and

WHEREAS, OCTA has established the procedures and criteria for reviewing proposals; and

WHEREAS, the Costa Mesa City Council possesses authority to nominate projects funded using Regional Surface Transportation Program funding, provide sufficient local match, and to finance, acquire, and construct the proposed project; and

WHEREAS, by formal action the Costa Mesa City Council authorizes the nomination of the Bear Street from Wakeham Place to the 405 Freeway Project including all understanding and assurances contained therein, and authorizes the person identified as the official representative of the City of Costa Mesa to act in connection with the nomination and to provide such additional information as may be required; and

WHEREAS, the City of Costa Mesa will maintain and operate the property acquired, developed, rehabilitated, or restored for the life of the resultant facility(ies) or activity; and

WHEREAS, with the approval of the California Department of Transportation (Caltrans) and/or OCTA, the City of Costa Mesa or its successors in interest in the property may transfer the responsibility to maintain and operate the property; and

WHEREAS, the City of Costa Mesa will give Caltrans and/or OCTA's representatives access to and the right to examine all records, books, papers or documents related to the arterial pavement management project; and

WHEREAS, the City of Costa Mesa will cause project work to commence within six months following notification from the State or OCTA that funds have been authorized to proceed by the Federal Highway Administration and that the project will be carried to completion with reasonable diligence; and

WHEREAS, the City of Costa Mesa commits $300,000 of Gas Tax and Measure M2 funds and will provide 50% of the total project cost as match to the requested $300,000 in OCTA RSTP funds for a total project cost estimated to be $600,000.

WHEREAS, the City of Costa Mesa is responsible for preparing and submitting all necessary Caltrans-required documentation include E-76 request. City of Costa Mesa agrees to submit an E-76 Request to Caltrans District 12 by February 1 of the fiscal year identified

WHEREAS, the City of Costa Mesa will comply where applicable with provisions of the California Environmental Quality Act, the National Environmental Policy Act, the American with Disabilities Act, Federal Title VI, Disadvantaged Business Enterprise (DBE), Buy America provision, and any other federal, state, and/or local laws, rules and/or regulations;

WHEREAS, the City of Costa Mesa's City Council authorize the execution of any necessary cooperative agreements between the City of Costa Mesa and OCTA to facilitate the delivery of the project.

NOW, THEREFORE, BE IT RESOLVED that the City of Costa Mesa, hereby authorizes the Director of Public Services as the official representative of the City of Costa Mesa to apply for the Regional Surface Transportation Program funding under the Moving Ahead for Progress in the 21st Century Federal Transportation Act for the Bear Street from Wakeham Place to the 405 Freeway Project.

BE IT FURTHER RESOLVED that the City of Costa Mesa agrees to fund its share of the project costs and any additional costs over the identified programmed amount.

PASSED AND ADOPTED this 7th day of October 2014.