

# ATTACHMENT 1

## RESOLUTION NO. 16-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21<sup>ST</sup> CENTURY AND FIXING AMERICA'S SURFACE TRANSPORTATION FEDERAL TRANSPORTATION ACT FOR THE MERRIMAC WAY MULTIPURPOSE TRAIL, ADAMS AVENUE MULTIPURPOSE TRAIL AND THE ADAMS AVENUE AT PINECREEK DRIVE ACCESS IMPROVEMENTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the United State Congress enacted the Moving Ahead for Progress in the 21<sup>st</sup> Century ("MAP-21") Federal Transportation Act on July 6, 2012, and Fixing America's Surface Transportation (FAST) Federal Transportation Act on December 4, 2015, which makes Congestion Mitigation and Air Quality ("CMAQ") funds available to the Orange County Transportation Authority ("OCTA"); and

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

WHEREAS, the City of Costa Mesa possesses authority to nominate bicycle projects for CMAQ funding and to finance, acquire, and construct the proposed projects; and

WHEREAS, by formal action the City Council of the City of Costa Mesa authorizes the nomination of three Projects - Merrimac Way Multipurpose Trail, Adams Avenue Multipurpose Trail and the Adams Avenue at Pinecreek Drive Access Improvements, hereinafter referred to as Projects, 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 any resultant facilities or activities; and

WHEREAS, with the approval of the California Department of Transportation (“Caltrans”) and 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 OCTA representatives access to and the right to examine all records, books, papers or documents related to the Projects; and

WHEREAS, the City of Costa Mesa will cause work on the Projects to be commenced within six months of notification by Caltrans or OCTA that funds have been authorized to proceed by the Federal Highway Administration and that the Projects will be carried to completion with reasonable diligence; and

WHEREAS, the City of Costa Mesa agrees to commit City funds for the Projects and will provide 12% of the total project cost as match to the requested OCTA CMAQ funds; and

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

WHEREAS, the City Council authorizes the execution of any necessary cooperative agreements between the City of Costa Mesa and OCTA to facilitate the delivery of the Projects; and

WHEREAS, the City of Costa Mesa will amend the agency Capital Improvement Program (CIP) to include the project if selected for funding;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Costa Mesa hereby authorizes the Public Services Director as the official representative of the City of Costa Mesa, or his designee, to apply for the Congestion Mitigation and Air Quality funding under the Moving Ahead for Progress in the 21<sup>st</sup> Century Federal Transportation Act for the Projects.

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 2<sup>nd</sup> day of August, 2016.

\_\_\_\_\_  
Stephen M. Mensinger, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Thomas P. Duarte, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 16-\_\_\_\_ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2<sup>nd</sup> day of August 2016, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this \_\_\_\_ day of August, 2016.

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BRENDA GREEN,  
CITY CLERK

(SEAL)