

RESOLUTION NO. RES-2025-029

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE FILING OF AN ALLOCATION REQUEST FOR FEDERAL REGIONAL DISCRETIONARY GRANT FUNDS THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) REGIONAL MEASURE 3 (RM3) FOR THE HIGHWAY 101 BICYCLE AND PEDESTRIAN OVERCROSSING; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO APPROPRIATE APPROVED FUNDS

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404); and

WHEREAS, the Sonoma County Transportation Authority is the sponsor of Project 26, Highway 101 Bicycle and Pedestrian Overcrossing in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Project 26, Highway 101 Bicycle and Pedestrian Overcrossing is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Sonoma County Transportation Authority designated the City of Santa Rosa as an entity that is eligible to request Regional Measure 3 funds for the Project 26, Highway 101 Bicycle and Pedestrian Overcrossing project.

NOW, THEREFORE, BE IT RESOLVED that the City of Santa Rosa accepts the Sonoma County Transportation Authority's designation as implementing agency for the project.

BE IT FURTHER RESOLVED that the City of Santa Rosa accepts the Sonoma County Transportation Authority's delegation of responsibility for certifying the project and allocation request(s) comply with the requirements of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures.

BE IT FURTHER RESOLVED that the City of Santa Rosa, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures.

BE IT FURTHER RESOLVED that the City of Santa Rosa certifies that the Highway 101 Bicycle and Pedestrian Overcrossing is consistent with the Regional Transportation Plan (RTP).

BE IT FURTHER RESOLVED that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

BE IT FURTHER RESOLVED that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment.

BE IT FURTHER RESOLVED that the City of Santa Rosa approves the allocation request.

BE IT FURTHER RESOLVED that the City of Santa Rosa has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request.

BE IT FURTHER RESOLVED that the City of Santa Rosa is authorized to submit an allocation request for Regional Measure 3 funds for the Highway 101 Bicycle and Pedestrian Overcrossing in accordance with California Streets and Highways Code 30914.7(a).

BE IT FURTHER RESOLVED that the City of Santa Rosa certifies that the projects and purposes for which RM3 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder.

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Santa Rosa making allocation requests for Regional Measure 3 funds.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Santa Rosa to deliver such project.

BE IT FURTHER RESOLVED that the City of Santa Rosa indemnifies and holds harmless MTC, Bay Area Toll Authority (BATA), and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the City of Santa Rosa, its officers, employees or agents, or subcontractors or any of them in connection with its

performance of services under this allocation of RM3 funds. the City of Santa Rosa agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

BE IT FURTHER RESOLVED that the City of Santa Rosa shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s).

BE IT FURTHER RESOLVED that assets purchased with RM3 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used.

BE IT FURTHER RESOLVED that the City of Santa Rosa shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues.

BE IT FURTHER RESOLVED that the Council of the City of Santa Rosa authorizes its Director of Transportation and Public Works to execute and submit an allocation request for the construction phase with MTC for Regional Measure 3 funds in the amount of \$10,600,000, for the project, purposes and amounts included in the allocation request.

BE IT FURTHER RESOLVED that Director of Transportation and Public Works is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate.

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BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the City of Santa Rosa allocation request referenced herein.

BE IT FURTHER RESOLVED that the Council of the City of Santa Rosa authorizes the Chief Financial Officer to appropriate the \$10.6 million in RM3 funding into JL Key 17684 upon approval by the Metropolitan Transportation Commission.

IN COUNCIL DULY PASSED this 25th day of February, 2025.

AYES: (5) Mayor Stapp, Vice Mayor Alvarez, Council Members Bañuelos, Fleming, Rogers

NOES: (0)

ABSENT: (2) Council Members MacDonald, Okrepkie

ABSTAIN/RECUSE: (0)

ATTEST: _____
Deputy City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM: _____
City Attorney