

RESOLUTION 2019-041

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER COOPERATIVE AGREEMENT BY AND AMONG THE CITIES OF EL CERRITO, HERCULES, PINOLE, RICHMOND, SAN PABLO, CONTRA COSTA COUNTY AND WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC) FOR THE 2019 WEST CONTRA COSTA SUBREGIONAL TRANSPORTATION MITIGATION FEE PROGRAM

WHEREAS, the Cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo, Contra Costa County and WCCTAC, pursuant to the Contra Costa Transportation Improvement and Growth Management Expenditure Plan and Ordinance (referred to herein as “Measure C”) adopted and approved by the voters in 1988, and pursuant to the extension of the transportation sales tax (referred to herein as “Measure J”) adopted and approved by the voters in November 2004, desire to enter into a Cooperative Agreement for transportation improvements in West Contra Costa County (“Agreement”) to be funded in whole or in part by developer fees collected under the West County Subregional Transportation Mitigation Fee Program (“STMP”); and

WHEREAS, the 2019 STMP program (the “2019 STMP”) is intended to update the STMP adopted in 2006 (the “2006 STMP”); and

WHEREAS, the Agreement shall terminate and replace the prior Master Cooperative Agreement Between Contra Costa Transportation Authority, the Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, the County of Contra Costa and the West Contra Costa Transportation Advisory Committee, dated June 13, 2006;

WHEREAS, the WCCTAC Joint Exercise of Powers Agreement describes the objective of protecting and advancing the interests of West Contra Costa County communities with regard to transportation issues and the utilization of Measure C and Measure J funds, and explicitly designates WCCTAC to oversee the STMP;

WHEREAS, each city or county by local ordinance or resolution, enacted the 2006 STMP, which levied a fee on new development to mitigate the impacts of new trips generated by that development in conformity with the Mitigation Fee Act (Gov. Code §§ 66000 et seq., referred to herein as the “Act”);

WHEREAS, fees from the 2006 STMP partially funded eleven regional transportation projects, which are listed in the Fee Program Background section of the adopted 2019 Nexus Update of the Subregional Transportation Mitigation Program (STMP) Impact Fee report;

WHEREAS, fees from the 2019 STMP are proposed to partially fund twenty (20) regional transportation projects, as more particularly described herein (collectively referred to herein as the “Projects” and individually as a “Project”);

WHEREAS, the conclusions of the nexus study, in conformity with Government Code section 66000 et seq. can be found in the 2019 Nexus Update of the STMP Impact Fee report which is available from the City Clerk's Office;

WHEREAS, this Agreement outlines the roles and responsibilities of the parties relative to the administrative, fiscal, and project management of the 2019 STMP projects;

WHEREAS, WCCTAC is the primary responsible entity for the program, and will coordinate and administer the STMP expenditures, the priority for fee disbursements, and provide general management of the STMP consistent with its mission;

WHEREAS, WCCTAC has evaluated the components of the 2019 STMP and finds that the establishment, imposition, collection, transfer and use of development fees for the purposes and Projects described herein are necessary to mitigate traffic impacts caused by new development and authorized by all applicable legal authorities; and

WHEREAS, on March 18, 2019, City Council adopted an ordinance amending Chapter 15.62 of the Municipal Code for the imposition and collection of the STMP fee.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

BE IT FURTHER RESOLVED that the City Council approves and authorizes the City Manager to execute the Master Cooperative Agreement by and among the Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, the County of Contra Costa and the West Contra Costa Transportation Advisory Committee for the 2019 Subregional Transportation Mitigation Fee Program, which is attached and incorporated as Exhibit A.

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ADOPTED on the 18th day of March, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ Lehny M. Corbin
Lehny M. Corbin, Deputy City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor