

RESOLUTION NO.2023-094

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
AUTHORIZING THE AGENCY DIRECTOR OF FINANCE
TO AMEND THE FY 2023/24 CAPITAL IMPROVEMENT
PLAN RECORDING SUPPLEMENTAL APPROPRIATIONS
FOR VARIOUS PROJECTS**

WHEREAS, California Streets and Highways Code sections 1685 and 1803 authorize Cities to contract with Counties for the maintenance, construction or repair of City streets and roads, if the legislative body of City (City Council) determines that it is necessary for the more efficient maintenance, construction, or repair of its streets and roads; and

WHEREAS, The County of San Bernardino ("County") and the City of San Bernardino ("City") share jurisdiction on many streets throughout the City's borders. As a result, road resurfacing and maintenance is divided into these two jurisdictions. County's staff contacted the City in order to determine the City's willingness to fund the San Bernardino portion of the Street Rehabilitation on Various Shared Streets ("Project") and partner to have the (street rehabilitation done in the most effective way; and

WHEREAS, conducting cooperative projects on streets of shared jurisdiction is more efficient and cost effective as compared to separate projects issued by each jurisdiction. The inconvenience to the traveling public and adjacent businesses/residents is substantially reduced by cooperative projects; and

WHEREAS, on September 16, 2020, the City Council approved the Cooperative Funding Agreement with County of San Bernardino for 40th Street and Other Roads Project, in which the County will be the lead agency and will invoice the City of the completion of work; and

WHEREAS, on September 16, 2020, the City Council amended the FY 2020/21 Capital Improvement Program to include the Project and establish Project budgets in the amount of \$490,000 in Measure I Fund 129 for 40th Street and Other Roads Project.; and

WHEREAS, on September 15, 2021, the City Council approved the Cooperative Funding Agreement with County of San Bernardino for Arden Avenue and Other Roads; Blake Street and Other Roads; Citrus Street and Other Roads; Lynwood Drive and Other Roads; Third Street and Other Roads; North San Bernardino Area Curb Ramps Projects, in which the County will be the lead agency and will invoice the City of the completion of work; and

WHEREAS, on September 15, 2021, the City Council amended the FY 2020/21 Capital Improvement Program to include the Project and establish Project budgets in the amount of \$3,637,000 in Measure I Fund 129 for Arden Avenue and Other Roads; Blake Street and Other

Roads; Citrus Street and Other Roads; Lynwood Drive and Other Roads; Third Street and Other Roads; North San Bernardino Area Curb Ramps Projects.

WHEREAS, on February 1, 2023, the City Council approved Amendment No. 1 to the Cooperative Funding Agreement with County of San Bernardino for 40th Street and Other Roads Project, authorizing the Agency Director of Administrative Services to amend the FY 2022/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of \$425,000 in Measure S Fund, for a total project cost of \$915,000.

WHEREAS, due to increases in construction costs and based on the finalized design, the estimated City cost share for the 40th Street and Other Roads Project including a 25% contingency is estimated to be \$1,143,750. In addition to the available \$915,000, an additional supplemental appropriation in the amount of \$188,843.75 in SB1 Funds and \$39,906.25 in Gas Tax (Maintenance of Effort) is requested to fully fund the project.

WHEREAS, due to increases in construction costs and based on the finalized design, the estimated City cost share for the Arden Avenue and Other Roads Project, Blake Street and Other Roads Project, Citrus Street and Other Roads Project, Lynwood Drive and Other Roads Project, Third Street and Other Roads Project, North San Bernardino Area Curb Ramps Project including a 25% contingency is estimated to be \$6,632,500. In addition to the available \$3,637,000 from Measure I, an additional supplemental appropriation in the amount of \$2,472,924.36 in SB1 Funds and \$522,575.64 in Gas Tax (Maintenance of Effort) is requested to fully fund the project.

WHEREAS, Street Rehabilitation – 21 locations (Project No: 13511) Project will require a supplemental appropriation in the amount of \$1,944,044.64 in SB1 Funds and \$410,813.36 in Gas Tax (Maintenance of Effort) to fully fund the project.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Mayor and City Council hereby authorize the Agency Director of Finance to amend the FY 2023/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of 188,843.75 in SB1 Fund and \$39,906.25 in Gas Tax Fund, for a total additional contribution of \$228,750.00 for 40th Street and Other Roads Project.

SECTION 3. Mayor and City Council hereby authorize the Agency Director of Finance to amend the FY 2023/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of \$2,472,924.36 in SB1 Fund and \$522,575.64 in Gas Tax Fund, for a total additional contribution of \$2,995,500.00 for Arden Avenue and Other Roads; Blake Street and Other Roads;

Citrus Street and Other Roads; Lynwood Drive and Other Roads; Third Street and Other Roads; North San Bernardino Area Curb Ramps Projects.

SECTION 4. Mayor and City Council hereby authorize the Agency Director of Finance to amend the FY 2023/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of \$1,944,044.64 in SB1 Fund and \$410,813.36 in Gas Tax Fund, for a total additional contribution of \$2,354,858.00 for Street Rehabilitation – 21 locations (Project No: 13511) Project.

SECTION 5. As the decision-making body for the project, the City Council has reviewed and considered the information contained in the administrative record for the proposed project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines;

(2) The proposed project is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines because it involves the street rehabilitation. Additionally, the City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.


(3) The application of the Class 1 categorical exemption is not barred by one of the exceptions set forth in the CEQA Guidelines Section 15300.2 because Pavement Rehabilitation does not present any unusual circumstances; would not damage scenic resources, including any resources in the area of a Scenic Highway; would not be utilized on a hazardous waste site; and would not impact historic resources of any kind; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 6. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.


SECTION 7. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 26th day of June 2023.




For Helen Tran, Mayor
City of San Bernardino

Attest:



Genoveva Rocha, CMC, City Clerk

Approved as to form:

PP.


Sonia Carvalho, City Attorney

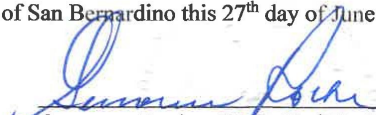
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-094, adopted at a regular meeting held on the 26th day of June 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
IBARRA	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
FIGUEROA	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
SHORETT	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
REYNOSO	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
CALVIN	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
ALEXANDER	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

WITNESS my hand and official seal of the City of San Bernardino this 27th day of June 2023.


Genoveva Rocha, CMC, City Clerk